UNDERSTANDING TAQLID

Following One of the Four Great Imams

2nd Edition

Mufti

MUHAMMAD SAJAAD

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بسم الله الرحمن الرحيم

Almighty Allah سبحانه وتعالى says:

"Whoever cuts himself off from the Messenger after the right path has become clear to him, and follows other than the way of the Believers, We shall let him have what he chooses, and We shall admit him to Jahannam, which is an evil place to return." (4:115)

"The consensus of the Muslims has been established upon the obligation (*Wujub*) of following one of the four Imams today."
Imam Ahmad al-Nafrawi (12th Century AH) in *Al-Fawākih al-Dawāni*

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الحمد الله رب العالمين وصلى الله وسلم وبارك
على سيدنا ونبينا محمد وعلى آله
واصحابه اجمعين والتابعين لهم باحسان الى يوم الدين ، اما بعد :

INTRODUCTION

WHETHER A person should follow one of the four schools or not is an issue that has created much confusion amongst Muslims today. It is hoped this short treatise will serve to dispel much of the misinformation found about this issue and furnish the details for why the Four schools (Hanafi, Maliki, Shafi'i and Hanbali) have such a central role in Sunni Islam.

Some key additions have been made to this second edition of the book. Several clear statements establishing *Ijma* (consensus) of the Umma upon the *taqlīd* of the four Imams have been now included. Similarly, a word has been added about our responsibility in the UK as ambassadors of Islam. Another addition is the appraisal of some of the texts often cited to argue against *taqlīd*.

Due to the importance of this subject, the booklet is being distributed freely and no copyright exists preventing those who wish to reprint it from doing so. May Allah ﷻ accept this effort and reward all those who helped in any way in its production. Ameen.

Muhammad Sajaad
17th Safar 1432
23/1/2011

CHAPTER 1
THE BASIC ARGUMENT FOR *TAQLĪD*

TAQLĪD MEANS following the legal opinions of a scholar without gaining knowledge of the detailed evidences for those opinions, (See Imam Ghazali's *Al-Mustasfā*, p.579). The non-scholar is compelled to do this as he is unable to encompass the evidences to assert his own view on any particular detailed issue related to the Dīn. Such reliance upon a group of highly-trained individuals is seen in every aspect of human life from such mundane things as when we wish to build an extension to our homes to seeking medical treatment; we unquestioningly defer to the experts. A sick person never tries to diagnose himself, let alone be bold enough to prescribe the course of medicine he needs to take using his own knowledge. Rather he sits humbly in front of the doctor and accepts everything he tells him and prescribes him. Similarly, one can innumerate hundreds of worldly matters in which we readily recognise that it is only right and necessary that we and others rely and submit to experts of that subject or field.

How unfortunate is it then that the most precious and delicate of subjects: Islamic Law, is being singled out as the one thing, concerning which every person is to consider himself an authority, no matter how deficient and defunct his or her abilities may be? In fact, tragically, it is said to be his duty to access and understand the Holy Qur'an and Hadith directly by himself.

The arguments of this modernist movement are being loudly voiced, evermore frequently, in masjids, university Islamic societies

and Islamic events. It is a sad development that increases the Umma's disunity in addition to sapping its energies, diverting it from many higher and loftier plateaus of religious endeavour. The truth is that if a number of undeniable facts were to be considered with reason and objectivity, it would become quite clear that *taqlīd* must be obligatory for the non-scholar and even for those scholars who have not acquired the lofty qualifications of a Mujtahid scholar. This section of the treatise is devoted to succinctly outlining these facts.

Laymen are not scholars

There are literally thousands of rulings derived from the Qur'an and Sunna that pertain to a vast array of human activity, from rulings on the correct way to perform Salah to what renders a sale-contract invalid, to how a state is run. Deriving these rulings is only permitted for those who have dedicated the many years required to gain all the skills and tools that enable a person to access the Holy Qur'an and Sunna authoritatively. This prolonged period of study is spent in the midst of other matured scholars, who train the student in a vast array of subjects. Neither in secular subjects, nor in the Islamic sciences, has anyone attempted or even been encouraged to study the related books by himself. It is simply unheard of and for very good reasons. No one would but laugh if a budding youngster showed up at a hospital to practise brain surgery arguing that for the last five years he has been studying all the books on the subject in his bedroom. In fact they may admit him into hospital to check his senses. That people need to acquire skills under the supervision of a master, and often many of them, has always been accepted in relation to Islamic law too. This process is known in Islam as the *Ijazah*-system and all Muhaddithin and Jurists have had to undergo this process in order to gain any kind of recognition amongst the scholars of Islam. There are several ways by which the system ensures that the Umma

has true scholars leading the unlearned. This amazing tradition consists of identifying the teachers from whom one gained his or her knowledge and secondly, their authorisation of him or her as a competent teacher of the science. Thus, in this manner, the scholar could rightfully claim that the knowledge he was providing to the people had the authorisation of a chain of transmission that eventually went back to the Messenger of Allah ﷺ. It was this age-long blessed process, the modernist Salafi movement sought to undermine. They eventually reduced the importance of this powerful means of protecting the Deen by arguing all Muslims are equal when it comes to approaching the texts of the Holy Qur'an and Hadith.

THE SUBJECTS AND SKILLS TO MASTER IN ORDER TO BECOME A MUJTAHID (EXPERT SCHOLAR)

Scholars are agreed that it is not permitted for a person to derive a single ruling from the Holy Qur'an and Sunna, without first learning the key Islamic Sciences, such as:

1. Arabic Grammar (*Nahw* and *Sarf*)
2. The science of Arabic Rhetoric (*'Ilm a-balagha*)
3. The sciences of Exegesis (*Tafsir*)
4. The science of Ḥadīth (*'Ulum al-Ḥadīth*)
5. The knowledge of jurisprudential principles (*Usul al-Fiqh*)

Only after having studied these basic subjects, nurturing and developing them to the advanced degree of a specialist, could and would one immerse oneself in the massive corpus of Qur'anic and Hadithic texts. This obvious fact should suffice in making a person realise any movement that calls its unlearned followers to go directly to the Holy Qur'an and Hadith, has nothing to do with Islam and is in fact a means of misguidance.

Ninety-five percent of those who fervently hold to the idea of going directly to the Qur'an and Sunna, do not even know, let alone have mastered, the Arabic language. It would be rash and

dangerous for such a person to assume that he could decide on a practical issue of the Din by using translations of Sahih al-Bukhari and the Holy Qur'an, even if he may be genuinely intelligent otherwise. The most obvious reason for this is that more than a dozen major ḥadīth collections have not been translated into English.[1] How can a person come anywhere close to a reasonable judgement on a ruling of the Dīn, when he does not have the whole picture in front of him? Add to this, translations, of whatever little does exist- can never reveal the sheer complexity of meaning and linguistic dimensions contained in the Arabic words. Without an appreciation of the depth of each and every word, syntactical implications etc., a person will easily miss a ruling latent therein, hence giving a skewed interpretation.

Take the example of the following verse:

"*O believers, when you stand up to pray wash your faces, and your hands up to the elbows, and wipe your heads, and your feet up to the ankles…*" (Sura 5:6)

This verse contains many legal implications and rulings. Just one of them is as a consequence of the Arabic conjunction *wāw* (and). To the unsuspecting non-Arab, this is just to be translated as "and." However, this *wāw* is much deeper than the "and" in English. Expert jurists like Imām Shāfiʿī and Imām Abū Ḥanīfah differed on its function in a sentence. Imām Abū Ḥanīfah, supporting his view with many evidences, holds that it has the function of unrestricted joining (*Muṭlaq al-Jamʿ*). Thus if a person said: "Zayd

1 The following are just a few of these important Hadith books that contain sound hadith and *Athār* not found in the six famous books: The *Musnad* of Imam Ahmad, the three *Muʿjams* of Imam Tabarani, The *Musannafs* of Imams Ibn Abi Shaybah and Abd al-Razzaq, the *Sunan al-Kubra* of Imam al-Bayhaqi, the *Sunan* of Imams Darimi and Daraqutni, the *Sahih*s of Imams Ibn Hibban and Ibn Khuzaymah and the *Mustadrak* of Imam al-Hakim.

and (*wāw*) Bakr came to me" the meaning could be:

1. Zayd came first then Bakr,
2. Bakr came first then Zayd,
3. or both came together simultaneously.

This is the implication of *wāw* according to Imām Abū Ḥanīfah. Other jurists, however, held that the function of *wāw* is to give sequence or order (*tartīb*). In other words, that which precedes the *wāw* is sequentially first, in the order. Thus, in the abovementioned example it can only be said that Zayd came first. This subtle difference in relation to a mere letter meant that according to Imām Abū Ḥanīfah, if a person washed the limbs of wuḍū in other than the order mentioned in the verse, his wuḍū is valid and there is no sin upon him. Imam Shāfi'ī however, based on his understanding of this conjunction, declares it obligatory to adhere to the sequence mentioned in the verse: the face must be washed first, followed by the arms, then the head will be wiped and finally the feet will be washed. If this order is broken, the wuḍū is invalid and must be repeated. This is just one example among thousands which illustrate that interpreting the sacred sources is not for the layman.

Another point we would question those who believe themselves worthy of discussing such intricate issues is why should this verse according to them establish an obligation (*Fard*)? Why not take the washing of limbs and the sequence mentioned therein for as a Sunnah (based on the practice of the Prophet) or *Wajib* (a lesser kind of obligation) or *Mustahab* (Praiseworthy)? These and other similar questions cannot be answered without appreciation of the Arabic language.

This also reveals the folly of those who counter by saying that we agree that the issues of the Dīn are as complex as you mention, but nevertheless, the layman will ask a scholar to merely present the various different meanings and arguments to the layman and then he will use his ability to choose the stronger position.

In reply, is it realistic to expect a layman in the Islamic sciences,

who is busy bringing up his family, spending most of his waking hours earning a living for them and fulfilling his own and their religious and worldly needs, to be able grasp the subtleties and linguistic complexities of these issues; and then in relation to every issue of the hundreds he needs to act upon? In other words, for example, before he marries, rather than restricting his questioning of a scholar to what are the conditions needed to effect a valid Nikah and what are the rights of the wife, he must be able to not only fathom the validity of the detailed evidences for the opinion presented by the scholar, but also compare his evidences with the evidences of opposing views. After this, finally, he will make his judgement of which of the two (or more) is the valid or soundest opinion and why.

If he were to do this, in even half of the issues of the Din, he would be taking on, without exaggeration, a mammoth task. Assuming he had all the Arabic sources in front of him and was a genius of the Arabic language, he would still have a formidable list of undertakings in front of him. He would have to seek out every text, verse and ḥadīth, to locate all the relevant evidences for every single aspect or ruling. Once he has gathered all the texts, he would need to sift out the weak or inadmissible evidences among them, based upon solid criteria. Of course it would not be allowed for him to just say I follow this hadith because such and such scholar has declared it sound and said it can be acted upon, because, as all fair readers will admit, this in itself is the *taqlīd* these people are so against.

After overcoming this difficult hurdle, next he would need to determine the meaning being established in the remaining texts by pondering and researching painstakingly, maybe for days, whether that meaning is clearly mentioned or is it understood by reason etc. (*'ibārat al-Naṣṣ*, *iqtiḍā al-Naṣṣ* etc.)? Thereafter, he would have to assess the strength or value of the ruling of these evidences. Is the text very strong that it establishes an obligation or is it of a

lesser level of praiseworthiness or permissibility? Needless to say, to facilitate this, he will need a criteria already formulated and backed by other evidences. This is because it is evident that the weight held by a point deduced from a text through reason will be of a different level to a point taken from the apparent meaning. Similarly, an emphatic command found in the Holy Qur'an is not of the same level as a command found in a solitary narration (*Ahad* hadith). Finally, he would have to give coherent responses to all evidences that seem to contradict each other.

If he actually did this clearly, he would not be able to pursue any worldly occupation and living, for he would be a full-time scholar whose occupation is expertise in the sacred texts. And if indeed this was what was expected of all the people of the world the vital cogs of civilised life would come to a standstill. No one could run a business, enrol to study on courses on medicine, engineering or computer programming etc. Industries would wind up, shops close, and production cease because apparently it is the duty of every believer to access the Qur'an and Sunna directly, consequently forcing them to devote their lives to learning how to.

Our Dīn however is a practical Dīn, to be lived and practiced by people from all walks of life, regardless of their preoccupations and abilities. It acknowledges the idea of sharing duties amongst the community and reaping the benefits of each other's efforts and skills in every aspect of life. Islam does not, and never has, required humanity to leave their professions and other human-activities and restrict life to studying legal interpretation, and mastering Islamic sciences.

Thus, as has always been accepted by the scholars of this Ummah, the duty of specialising in the detailed rulings of the Dīn is only upon one section of the community, which then acts as a guide for the rest who turn to them and simply ask them the more easy and attainable job, of what does Islam say, for example, about such and such a scenario in trade? Does Islam permit buying shares?

Is abortion permitted? What are the rules laid down by Islam in regards how to marry or how inheritance is to be distributed? And it is like this with every department of life.

This is the duty and obligation of every Muslim. As for the role of interpreting the Sacred Texts (*nuṣūṣ*), that is the sole preserve of the scholars, as Allah ﷻ indicated when he instructed the believers to share out their work: "*With all this, it is not desirable that all of the believers take the field [in time of war]. From within every group in their midst, some shall refrain from going forth to war, and shall devote themselves [instead] to acquiring a deeper knowledge of the Faith, and [thus be able to] teach their homecoming brethren, so that these [too] might guard themselves against evil.*" (Sura Al-Tawbah:122).

Furthermore, it is impractical for a layperson to go to a scholar and expect him to laboriously and patiently elaborate to him on every issue where scholars have differed, and then, having spent perhaps over an hour explaining the primal evidences alongside the often complicated supportive evidences of the main differing scholars, announce to the layman, "Now you choose whichever you feel is the strongest opinion!"

Those who live in the Muslim community know very well that in the vast majority of cases when the layman asks a question to a scholar, the scholar will not even present the detailed evidence for his own opinion that he tells the questioner, let alone delve into the evidences of others. This is because he is fully aware that the layman is neither capable of weighing up between legal opinions nor is he obliged to do this. What is more is that this has always been the way the Dīn was practised from the time of the Companions ﷺ, as will become evident in the following pages.

Also worthy of mention here is that this warding off the unlearned from approaching the Holy Qur'an and Sunna, is only in regard to trying to derive laws from them. The Holy Qur'an and the Hadith are undoubtedly a treasure of wisdom and spiritual nourishment. Thus all believers, male and female, young and old, should hold on

tightly to the Holy Qur'an and Sunna and give them a central role in their lives in relation to their moral guidance, uplifting stories of the pious, Prophetic manners and Duas and general spiritual reminders. It is only when it comes to legal issues that non-scholars should refrain from assuming judgements. Otherwise, it is indeed the duty of every Muslim to regularly read portions of the Holy Qur'an, as well as chapters from the books of Hadith. It would be a great loss for any Muslim individual or family, if they were able to read even a translation of, for example, *Kitab al-Zuhd* (The Book of Asceticism) and *Kitab al-Birr wal-Silah wal-Adab*, (The Book of Good behaviour, Maintaining Relations and Manners) from Sahih Muslim, but did not on the misunderstanding that these texts are simply off limits for them. These private readings, as beneficial as they are, are supplementary to the frequenting of the gatherings of the true Ulama.

THE GREATNESS OF THE EARLY SCHOLARS OVER THOSE WHO CAME LATER

Once it is acknowledged that the layman must follow scholars why is it that the four Imāms and their schools alone are given preference over all other scholars? Firstly, all four Imāms: Imāms Abū Hanīfah, Shafi, Mālik, Aḥmad, belong to that age and generation, or very close to it in the case of Imam Ahmad, about which the Messenger of Allāh ﷺ testified as its being the best of this Ummah. He ﷺ said, "*The best of my ummah is my generation, then the generation after them, then the generation after them.*" Furthermore, the testimonies of the most erudite Sunnī scholars for over a thousand years leave no doubt that these four men and their schools represent the most authentic, penetrating and faithful understanding of the Holy Qur'an and Sunna. No scholar of the later centuries has received the kind of unequivocal acclaim they did from the high calibre of scholars that they did.

Thus, when it is accepted and obvious that the non-scholar

is compelled to follow scholars for his Dīn, it is absurd to give preference to a scholar coming in the later centuries over one of these four great imāms. Muslim scholars throughout the centuries, right up to very recent times, taught this point as an incontestable fact. Imām Ibn Rajab al-Ḥanbalī, for example, was a great jurist and scholar respected by all schools. He lived in the fourteenth century when levels of scholarship were incomparably above the situation we have today. He wrote two works presenting this as the view of the Ahl al-Sunnah. His first book is entitled, amazingly unequivocally: *Al Rad ʿalā man ittabaʿa ghayr al-Madhāhib al-Arbaʿa*, (Refutation of those who follow other than the Four Schools). His second treatise is: *Bayān Faḍl ʿilm '-l-Salaf ʿalā ʿilm 'l-Khalaf* (The Exposition of the Excellence of the Knowledge of the Predecessors over the Knowledge of the Successors). Both works have always been unquestioningly counted as the Imām's works and are easily available. One wonders what the classical Sunni scholars such as Imām Ibn Rajab would have said if they could see our state today, where we find the Four Schools being actively targeted and made to seem deviant, and where Muslims who are not Sharīʿa experts, and thus choose to rely on one of the four great imāms, are maligned for doing so; and where people who do not accept the central role of the four schools, dishonestly portray classical scholars like Imam Ibn Rajab as being against *taqlīd* and, like them, not adherents of any of them, although in the case of Ibn Rajab, his name is never mentioned except with the open declaration that he was a Hanbali???

SUNNI SCHOLARS PRACTISED *TAQLĪD* OF THE FOUR SCHOOLS

This leads us to another patent fact, namely that practically all the thousands of famous ḥadith scholars (*muḥaddithūn*) and jurists (*fuqahā*) of the Muslim Umma for the last one thousand years followed one of the four imāms, finding themselves compelled to submit to their awe-inspiring intellectual rigour and insight.

This is a fact attested to by the most authoritative books of ḥadīth criticism and Islamic history, such as Imam Al-Dhahabī's *Siyar Ā'lam al-Nubalā* and the various other biographical compilations (*tabaqāt* and *Kutub al-Rijāl*). It is startling to find giants in Islamic scholarship, such as Imāms Yahya bin Sa'eed (see Appendix for more on this Imam-Muhaddith), Ibn Ḥajar, Dhahabī, Ṭaḥawī, Rāzī, Jaṣṣaṣ, Nawawī, and the list goes on endlessly, all adhering to one of the four schools.

Clearly, it is also a great testimony to the true humility and fear of Allāh ﷻ of these great men that despite their own towering statuses as *muhaddithun* and jurists, they were ready to admit that others had greater knowledge than themselves and thus they followed them. Just as this speaks volumes about them and their real humility, it also reveals an alarming danger for any sincere Muslim concerning himself. Namely, if it was a mark of humility and the fear of Almighty Allah that compelled them to choose to follow one of the Imams, then surely rejecting *taqlīd* of the imāms, may be evidence of the pride lurking within a person.

What else could lead a person to view him or herself competent enough to abandon *taqlīd*, and deduce their own laws, despite being hindered by a long list of deficiencies, at the top of which is not being able to understand Arabic?

Pride, however, is a disease that for the earnest believer cannot be tolerated at any expense, for the Messenger of Allah ﷺ said: "A person with the extent of a grain of pride in his heart will not enter Paradise." (Ṣaḥīḥ Muslim)

A MUSLIM'S LEAVING *TAQLĪD* IS AN INNOVATION

When the case for *taqlīd* seems so clear, where did the view opposing it that is promulgated with such force today come from? The recent movement against *taqlīd* and following one of the four imāms is a modern one (despite it giving the impression that it is classical because its advocates seem to, after all, still firmly quote

the Holy Qur'an and Hadith and they of course are unquestionably classical texts) which has its roots in Eighteenth Century Arabia. Before this, if a traveller travelled the length and breadth of the Ummah, from China on one side to North Africa on the other, the only scholars or seminaries he would find would be those belonging to and teaching one of the four schools. An obvious proof of the immaturity of this movement is the fact that when it comes to delving into serious further study of the Shariah (beyond basic booklets on Salah, Hajj and Fasting), that is, into the detailed rulings pertaining to the chapters of marriage & divorce, leasing, buying & selling, trusts, partnerships, inheritance law, international law etc. one comes across a somewhat uncomfortable reality for those who advocate not following the four Imams and their schools; namely, they are forced to acknowledge that they have no detailed compilation of such laws, systematically presented with explanation and evidences. Rather, at this juncture, they too are forced to turn to the classical works of the four schools. It is for this reason in Saudi Arabia today students of knowledge, study standard works in the Hanbali *madh-hab*, such as *Zād al-Mustaqna*ʿ and *Rawdat al-Nāẓir*. Had the six books of hadith been sufficient for students, why are these classic *madh-hab*-based texts being studied so diligently? Thus, clearly the perpetuation of the claim that all one needs is the Holy Qur'an and six books of Hadith is based upon nothing more than ignorance of the facts and the reality that the non-Scholars must follow the scholars. This being the state of non-Madhabism, if the movement gains followers today it is sadly only due to lack of awareness of facts and the great heritage of the Ummah.

Hence, a claim of such a nature, that ends up leaving the vast billions of sunni Muslims, throughout the centuries, as having been taught a mistaken methodology, and renders the accomplishments of the crest of Islamic scholarship as inferior and defunct, definitely demands deeper probing that goes beyond superficial slogans.

CHAPTER 2
THE EVOLUTION OF *TAQLĪD* & FOLLOWING THE FOUR GREAT IMAMS

It is an undisputed fact that *taqlīd* existed from the very early days of Islam, as that is the most basic and most efficient method for learning one's Din. The most ardent proponent of non-*madh-habism* and not doing *taqlīd* will admit that in teaching their children their Din, they do not instruct them to go and learn it from the Qur'an and Hadith. If it is accepted for them to do this, for whatever justification, then they should accept there are similar justifications in the case of others.

This recognition of difference in abilities is not just something that came into existence today. The Companions (*Sahabah*) ﷺ and the Followers (*Tābi'ūn*) are recorded as having done *taqlīd* of their seniors. Those of the Companions and Followers (*Tābi'ūn*) who were not scholars simply took the Dīn from those amongst them who were. Their basis for doing *taqlīd*, apart from the latter, was the evidences that made it an obligation for them.

PROOF FROM THE HOLY QUR'ĀN

Allāh ﷻ commanded the believers thus in the Holy Qur'ān: "*Obey Allah, the Messenger and those authorities amongst you,*" (Sura al-Nisā: 59). Ibn Abbas ؓ and Mujāhid, as recorded by many authorities in tafsīr (exegesis), state "*those authorities amongst you*" are the Islamic jurists who alone have the skills to derive laws from the Holy Qur'an and Sunna, (see *Tafsīr al-Ṭabarī,* vol.8 pp.499-501 and *Al-Tafsīr al-Kabīr* of Imām Fakhr al-Dīn al-Rāzī, vol.5 pp.115-120).

Hence the Companions ﷺ and the Followers who were not jurists would follow those who were.

Elsewhere in the Qur'an, Allah ﷻ says, "*Ask the people of Remembrance if you know not,*" (Sura al-Anbiyā: 7). This verse clearly explains that not everyone is a scholar and nor is supposed to be, otherwise the text would not be exhorting them to ask the scholars, as they –those being addressed- are already scholars not needing to rely on others like themselves. Therefore, if *taqlīd* of the scholars had, as it is claimed, nothing to do with Islam, this verse should have instead said: *Look to the verses of the Quran and Hadith if you know not.*

PROOF FROM THE HADITH

Hadith 1

Another proof for the need for *taqlīd* is found in *Sunan Abī Dawūd*. The words of the hadith are: "*Verily the cure to not knowing is asking.*"

The background of this hadith is that the Companions of the Prophet ﷺ were on a journey and had alighted for the night at a certain location. In the morning, one of the Companions, who was wounded, needed to have a major ritual bath. In view of his wound and the cold water, he asked his fellow travellers how he should purify himself for the Morning Prayer. They said that according to their knowledge, he must still have the bath and the dispensation of dry ablution (*tayammum*) was not open to him. He did as they instructed him. However, the frail companion was harmed by the water and this led to his death. When the whole story was related to the Messenger ﷺ, he became upset and angry, and rebuked his companions saying, "They killed him, may Allah destroy them! Why did they not ask when they knew not? For, verily the cure for not knowing is asking. It would have sufficed him had he done a dry ablution and kept his wound bandaged."

The ruling the Companions ﷺ gave was according to the

evidences they knew. Despite this, it was not said that you are absolved of responsibility on account of trying your best with the knowledge you had gained. Rather this action brought the severest response from the Messenger ﷺ, firstly in the form of imprecation, a dua against those who issued the ruling without knowledge, ('may Allah destroy them' [*qātala humullah*]). Secondly, they were held directly responsible for the death of their companion. If individuals were permitted to speak on legal issues of the Dīn by themselves without asking and following the explanations of the scholars, there would not have been any cause for blame or condemnation in this incident. The fact that there was blame, and in such an emphatic way, tells us that it is not permitted for unqualified Muslims to pronounce even a single ruling of the Dīn.

Thus, this hadith and its explicit rejection of 'do it yourself Islam', is not only a clear proof for the practice of *taqlīd*, but it also succinctly and powerfully articulates the rationale and legal justification for why *taqlīd* is held to be necessary (*wājib*) for the layman in Sharī'a law.

Hadith 2

Another hadith supporting the concept of *taqlīd* is found in *Sahih al-Bukhari*. The Messenger of Allah ﷺ said, "*Whoever Allah wishes good for, He grants him deep understanding (fiqh) of the Religion*." This ḥadīth clearly proves that Allāh has favoured some members of the community over others with the deep understanding of the Dīn. Thus there are those who can be worthy of speaking on matters of the Dīn and those who are not. It is thus obvious that the unlearned will follow the learned. However, those who argue against following a madhhab contradict the ḥadīth, as they argue that all Muslims are equal in expertise and understanding, and on the basis of which, they forbid all Muslims from following any person and instead call towards directly accessing the Qur'ān and Sunna without any medium.

EVIDENCES USUALLY QUOTED AGAINST *TAQLĪD*

This discussion would not be complete without mentioning some of the main evidences used by people to argue that it is permitted for a Muslim to learn rulings directly from the sources. The Non-*Madh-habists* usually employ the following verse to disparage *taqlīd*:

> *"And when it is said to them: 'Follow that which Allah has revealed,' they reply: 'No, rather we will follow that we have found our fathers upon.' (This is they say) Even though their fathers do not understand, nor are they guided."* Sura al-Baqara:170

To direct this verse against those who follow the four Imams is a gross misapplication of this divine text. This verse, as is accepted by most of the Tafsir scholars, was revealed about the polytheists who despite the truth of Tawhid being presented to them preferred the disbelief they had inherited from their forefathers. How can that, by any stretch of the imagination be remotely the same as following the understanding of an Imam who, as is testified by countless other scholars, founded his views entirely upon the Holy Qur'an and Sunna?

One of the key hadiths used by the Non-*Madh-habists* to justify non-*taqlīd*, is where the Messenger of Allah said:

> "When a judge makes a judgement and strives and is correct, then he has two rewards. If he makes a judgement and strived for it, but was mistaken, then for him is a single reward." (*Sahih Muslim, Kitab al-Aqdiyya*, Hadith no.4487)

It is a sad reflection of the degeneration and downfall of the Muslims that the authentic meanings of such divine texts are being corrupted to prove these false claims. They argue that despite our inabilities, we must strive to work out the ruling, so even if we are

wrong there is nothing blameworthy about this. On the contrary, because we have tried our best to follow the Qur'an and Hadith by ourselves, we are guaranteed reward, whereas you who follow the four Imams get nothing.

Such mangling of the meanings of the Hadith of the Messenger of Allah ﷺ, is absolutely unlawful. The absurdity of taking this meaning is self-evident. If in worldly matters, a person took on the appearance of a doctor and then prescribed medicine which led to another's death, it would not be counted as an accident or a commendable attempt at treating the patient, but manslaughter, and such an individual would face the full force of the wrath of the law and the family of the deceased.

Similarly, if we take this new meaning of the hadith, it would mean, the companions in the Abu Daud hadith, whose faulty opinion led to the death of their companion, should not have been blamed, but reassured that they got their single reward.

The true understanding of this hadith can only be gained from reliable Scholars of hadith. They are emphatic that actually this hadith is restricted to a true expert scholar who strives to discover a ruling, not the layman, which further supports our point that deriving laws is not meant to be done by each Muslim.

Imam Nawawi, in explaining this hadith in the *Commentary of Sahih Muslim*, The Book of Legal Decisions, writes:

> "The Ulama stated that by the consensus of the Muslims this hadith is about the learned judge who is qualified to judge. Then indeed he has two rewards; a reward for his striving and a reward for being right. If he made a mistake then he has the single reward of his striving. There is an unmentioned prelude to this hadith, namely that is: 'If the judge wished to judge and then made a judgement…' The scholars added, as for the one who is not qualified to make a judgement, there is no reward for him, rather he has committed a sin. His judgement will

> not be implemented whether it accords with the truth or not, because his being correct is by chance and did not stem from a *Shar'i* principle. Thus he is disobedient in all his rulings, whether they correspond with the truth or not. All his rulings will be rejected and he will not be excused in any matter. It is mentioned in a hadith in the *Sunan*, "Judges are of three kinds; one in heaven and two in hell. The judge who was aware of the truth and judged by it, will be in heaven. The judge who knew of the truth but judged contrary to it, will be in hell. And the judge who judged <u>by his ignorance</u>, will be in Hell."

Thus, just as in the case of a Judge, if a layman assumes the role of an expert qualified scholar and strives to ascertain rulings, he will be sinful no matter if his opinion accords with the opinion held by an Imam or not, as his opinion originated from an illegitimate methodology. And just as the non-judge's output (right or wrong) is not given any weight, similarly, the acts of worship he does (Salah, Fasting etc.) based on this unlawful way of arriving at his opinions may also be rejected by Allah ﷻ.

THE PRACTICE OF *TAQLĪD* IN THE AGE OF THE SAHABAH

There are many examples in the hadīth books where we find the Companions of the Messenger of Allāh ﷺ doing *taqlīd* of other more learned Companions. We will record just a few of these examples below. More examples can be found in a valuable work on this subject entitled *The Legal Status of Following a madh-hab* by Mufti Taqi Usmani:

1. Abū Ayyūb al-Anṣārī ؓ. was once on his way to ḥajj and lost the camels he brought to be sacrificed (and by which a person comes out of iḥrām). On the day of sacrifice, he came to 'Umar ؓ and asked him what to do. Umar ؓ told him to do as those who perform 'umra do (that is to shave or cut their hair), and you will be out of

iḥrām. Then in the next year, perform ḥajj and make the sacrifice. Note, neither did Abū Ayyūb ﵁ ask for proof in this instance nor was it given. This is nothing but *taqlīd.* (*Muwaṭṭā Imām Mālik*).

2. Once Umar ﵁ saw Ṭalḥā ﵁ wearing a coloured piece of cloth while he was in the state of iḥrām (so long as the cloth is unscented, such coloured sheets would be permitted for iḥrām). Umar ﵁ asked him the reason for wearing such sheets. Ṭalḥā ﵁ replied that the cloth was from a material which had not been scented. 'Umar ﵁ said, "You are people who are followed by others. If an unknowing person saw this cloth, he would think Ṭalḥā wore this cloth in iḥrām (thus he would assume scented cloth is permitted). Refrain from using coloured sheets." (*Muwaṭṭā*)

This shows that there is nothing essentially wrong with following scholars without evidence, rather it was always one of the ways the masses learnt their Dīn as is shown by 'Umar's ﵁ statement.

3. One of the most obvious examples of *taqlīd* was when the Messenger of Allāh ﷺ sent Mu'ādh Ibn Jabal ﵁ to Yemen as a teacher. Whilst in Yemen, the people exclusively took what he taught them as Dīn, and this is clearly *taqlīd.* For example, he was asked concerning a man who had been survived by a daughter and a sister only: how would his inheritance be distributed between them. He ruled that they should receive half each, and he gave this ruling as a muftī without mentioning the proof for his view to the questioner. (*Ṣaḥīḥ al-Bukhārī*)

4. We also find a clear example of Ṣaḥāba doing *taqlīd shakhṣī* (specific *taqlīd* of one person alone). It is narrated in *Ṣaḥīḥ al-Bukhārī* from Sayyidunā 'Ikrima ﵁ that the people of Madīna asked Ibn 'Abbas ﵄ concerning a woman who performed *ṭawāf* and then entered her menstrual cycle (i.e. despite having *tawaf al-wida'* upon her, is she permitted to return home or should she wait till her period passes?). Ibn 'Abbās ﵄ replied, "She may return." The people said, "We will not accept your opinion over the opinion of Zayd (Ibn Thābit ﵁)." (*Ṣaḥīḥ al-Bukhārī*)

Two things become abundantly clear from this incident. The first is that the people of Madīna did specific *taqlīd* (*taqlīd shakhṣī*) of Zayd Ibn Thābit ﷺ, and consequently they would not accept the opinions of another scholar from the Ṣaḥāba. Secondly, Ibn 'Abbās ﷺ did not censure them for following his opinions exclusively.

5. The Companions are also recorded as doing *taqlīd* of Ibn Mas'ūd ﷺ due to his superior knowledge as is found in the *Muṣannaf* of 'Abd al-Razzāq. Imam Muhammad Ali al-Nimwi has declared its chain as sound in *Athar al-Sunnan*, Hadith no.997 p.280. 'Alqama and Al-Aswad state that Ibn Mas'ūd was seated and with him were Ḥudhayfa ﷺ and Abū Mūsā al-Ash'arī ﷺ. Sa'īd bin al-'Āṣ ﷺ asked the three concerning the number of takbīrs to be pronounced in the 'Īd prayer. Ḥudhayfa ﷺ said, "Ask Al-Ash'arī." The latter (however) said, "Ask Ibn Mas'ūd, for indeed he is the oldest of us and the most knowledgeable of us." Sa'īd bin al-'Āṣ thus asked Ibn Mas'ūd who replied, "He will say four takbīrs (*allāhu akbar*), then he will recite. After this he will say the takbīr and go to the bowing posture (*rukū'*). Then, when he stands in the second standing (*rak'a*), he will recite and then pronounce four takbīrs after the recitation."" Again, we see that nobody among these senior Companions found it problematic that a legal opinion was being given without stating its evidence. The reason is obvious: according to all Muslims, *taqlīd* of a reputable Muslim scholar is acceptable.

TAQLID IN THE AGE OF THE SUCCESSORS (TĀBI'ŪN)

Similar historic examples can be found in the time of the successors (*Tābi'ūn* and *Tab' Tābi'een*). Shaykh Ramadan al-Buti writes in his refutation of the modern phenomena of Salafiism, *Al-lā madhabiyyah akhtar bid'ah tuhaddid al-Sharīat al-islāmiyyah* ("non-*madh-habism* is the most dangerous innovation to threaten the Shariah"), p.15: "And for a long time only 'Atā ibn Abī Rabāh and Mujāhid issued Fatwas (legal opinions) in Makka. The official announcer of the Khalīf would cry: 'No one is permitted to give

answers to the people except these two Imams,' and none of the scholars of the successors objected to the Khalīf or to the people for this strict adherence."

It would be fair to say that up to the second century, two kinds of *taqlīd* were common in the umma: the non-specific (*taqlīd ghayr shakhṣī*) and specific *taqlīd* (*taqlīd shakhṣī*). The first type i.e. non-specific is when Muslims wanting to know the Islamic ruling on an issue would simply go to any reputable scholar in the community who was accepted as an authority. This was the type of *taqlīd* which was prevalent in the early days. However, examples such as those cited above also show that Muslims also did specific *taqlīd* (*taqlīd shakhṣī*) of a particular Companion or Follower exclusively. This also proves that there is nothing essentially blameworthy with someone being a *Ḥanafī* or *Mālikī*, for there were people who were *Mas'ūdīs* (followers of the opinions of Ibn Mas'ud), *Mu'ādhīs*, '*Abbāsīs*, etc. except that they did not go by these names.

One of the factors in the consolidation of *Taqlīd Shakhṣī* and the phasing out of the other kind of *taqlīd* was the emergence of four scholars who gained such recognition for their learning and piety that students and even other scholars flocked around them. All four were blessed with long lives such that they could encompass each and every chapter of legal rulings and importantly were undisputed Mujtahids. A mujtahid is a master scholar who has reached the highest and most difficult level of *ijtihād* (Independent juridical reasoning). There are many kinds of scholars of lower categories; however the one who is permitted to exercise his *ijtihād* in elaborating rulings is he who has spent many years acquiring the skills and primary religious sciences enabling him to soundly interpret the Holy Texts and thus deserving of being considered an authority in the important matters of the Deen. To give just one practical example of the high standards required to be considered worthy of deriving laws, is encapsulate in the famous saying of Imam Ahmad that a person cannot be considered a Mujtahid (one

who is capable of deriving laws) until he has not memorised four hundred thousand hadith.

THE STAGE OF CONSOLIDATION

The students of these four Imāms further elaborated their legal opinions, their principles of interpretation, and most importantly preserved and then transmitted their teacher's school (*madh-hab*) to the next generation. These four scholars were:

Imām Abū Ḥanīfa ﵁ (80-150 AH)
Imām Mālik ibn Anas ﵁ (93-179 AH)
Imām Muḥammad Ibn Idrīs al-Shāfiʿī ﵁ (150-204 AH)
Imām Ahmad Ibn Hanbal ﵁ (164-241 AH)

If we take a snapshot of the Ummah by the end of the second century, we see *taqlīd* was being done of these four great Imams as well as other such Mujtahid imams. But with time, the majority of people ended up doing *taqlīd* of these four schools exclusively. They became the obvious choice for any serious learner who wished to achieve real progress in Sacred Knowledge. After all, these schools had been thoroughly debated, had their evidences and root principles codified and elucidated, in many short and detailed works. Not to follow these schools and as it were to go it alone would be akin for a person who wished to study medicine or chemistry today, starting his studies afresh, having thrown away all books and researches and findings of the last hundred years. Would he be wise to proceed in this way on the fanciful assumption that those works are not needed, I can produce better if I work independently of them. People would roundly chastise this fool, for wasting his time in "reinventing the wheel." True, if on the other hand, he mastered all the learning of the last 100 years and then sought to add to it or question it on some point no one would blame him, rather he would deserve praise for his industry.

The throwing away of the four schools of law is the equivalent of throwing away of a thousand years of learning. In fact, the state of the one who leaves the four Schools is perhaps far more dangerous, as it is accepted that a person of this age is not on the same level in capability as those early scholars and nor does the fear of God and piety exist today, as testified to by the hadith, that would safeguard him from deviation. Certainly, if there was someone truly devoted to learning who mastered the Islamic Sciences, and entirely appreciated the Fiqh of the four Schools, and other Muslim scholars acknowledge his ability, then such a person indeed can- to extent of his own person- derive laws independently from the Holy Qur'an and Sunna. The remarkable thing is that, as we have shown, the numerous scholars who actually did in the past reach this level, mostly preferred to adhere to one of the four Schools - a separate testimony of the superiority of these schools.

It is true the Ummah's convergence upon the acceptance of these four schools was coincidental, and not divinely revealed. Having said this, the mercy that lay in the convergence upon the four schools for the Ummah is not hidden, and hence it was seen as divine intervention to ensure the preservation of the Deen, as Allah ﷻ had promised: "*Indeed We who have revealed the Remembrance and it is for Us to preserve it.*" (sura Al-Hijr:9)

The other Mujtahid scholars and their schools eventually disappeared as they did not receive the same kind of recognition and attention that these four Imams received. For this reason, even if a person wished to act upon or revive their school and opinions, it would not actually be possible to do so. They may have had a thriving circle of students once, but they, for whatever reason, did not fully document, codify or transmit the school. One may find some of their legal opinions have been persevered, but that is not sufficient to consider that school fit for *taqlīd.* Just to give one glaring danger inherent in permitting this, leaving aside the fact there are but a handful of their legal opinions that have

come down to us, it is not known if that particular opinion one wishes to adopt was the final opinion of that scholar, as he may have changed his view in later life. There is no way of knowing this without detailed commentaries written by his students, as well as a strong transmission of all his opinions. This problem is carefully taken care of in the four established schools.

Thus the four schools came to represent de facto Sunni Islam. Anyone who wished to seriously study Islamic law, as a beginner, was compelled, by virtue of the schools' undisputed academic prowess and chapter by chapter preservation, to align themselves with one of them.

It is for this reason that we have another inexplicable fact that non-Muqallids (those who deny *taqlīd* and consider it unlawful) try to avoid; that is, the fact that the vast majority of sunni scholastic geniuses followed one of the four schools. For example the following is just a selection of unquestionable authorities in our Deen who were known to have adhered to one Madhhab from the four;

Imam Abu Isa al-Tirmidhi (Shafi)
Imam Abu Jafar al-Tahavi (Hanafi)
Imam Fakr al-Din al-Razi (Shafi)
Imam Ibn abd al-Bar (Maliki)
Imam Abu Zakariyya al-Nawawi (Shafi)
Imam Abu Bakr Jassas (Hanafi)
Imam Ibn Rajab (Hanbali)
Imam Ibn al-Humam (Hanafi)
Imam Abu Ishaq al-Shatibi (Maliki)
Imam Ibn Hajr al-Asqalani (Shafi)
Imam Abu al-Abbas al-Qurtubi (Maliki)
Imam Badr al-Din al-Ayni (Hanafi)
Imam Jalal al-Din al-Suyuti (shafi)
Imam Ibn Rushd (Maliki)

Imam Al-Dhahabi (Shafi)
Imam Ibn Qudamah (Hanbali)

Certainly, there is a difference in the way an expert scholar like those listed above does *taqlīd* of a school and how others do it. Erudite scholars who were well-grounded in the Islamic sciences did look at the evidences and if they believed that the more correct position was different to that of the school, they would leave the school on that issue. This has also been termed "*Ittiba*'" (or Following by evidence) by some people, but in reality it is still *taqlīd*. The reason for this is that even if he is only following an imam with knowledge of the evidence, he looks at it through the lenses of the school of one of the four Imams. That is, he does *taqlīd* of them in their principles of interpretation (*Usul*) (ie he has not actually made his own principles), which will normally lead him to the same conclusion as his Imam.

For the laymen however, this level of research is normally beyond their capabilities. Moreover, nor is each believer required to become such a scholar, as that would have required everyone to end up virtually abandoning other worldly pursuits and occupations. The Sharī'a, on the contrary, does not demand of us that which is beyond our means. Allāh Most High says: "*Allah does not burden any soul except what it can bear*" (Sura Al-Baqara:286). Hence, the duty of the common man is to simply follow true scholars as ordered in the verse in *Sura al-Anbiyā:* 7.

It is interesting to note that even though the likes of the scholars mentioned above did have a level of ijtihad, in their views, they themselves did not feel themselves able to dispense with *taqlīd* of one of the four Imams they followed. The hadith collection *Al-Jami'* of Imam Tirmidhi is a testament to this. If a person, acquainted with the Shafi school, goes through this book he will see that the hadith are brought in support of this school, as is plain to see from the chapter headings and Imam Tirmidhi's commentary.

With the passing of the pious generations, a kind of consensus emerged of the scholars that in the interest of preserving the Deen, the layman, would only be permitted to do *taqlīd* of the four schools. Having said this, a person was not restricted in who he asked for legal opinions from the four codified schools. This kind of non-specific *taqlīd* is known as "*Taqlīd ghayr Shaksi.*" Because of the general greater religiosity in those first generations a person would, even though he was not restricted by the scholars in whose *taqlīd* he did, seek out the most pious scholar and even if he ever gained more than one opinion, he would incline to the side of precaution in the opinion he chose, and the threat of following desires was little.

TAQLĪD GHAYR SHAKHṢĪ TO *TAQLĪD SHAKHṢĪ*

As impiety and following desires became more common, the scholars became more unequivocal on the obligation of following only one school for the Muslim. The historical facts make this explicitly clear and anyone who contends otherwise is frankly out of touch with the reality and is unaware of the countless illustrious jurists who have stated this view. In short, the fact is that by the end of the second century, which was also the end of the best of generations, there was a shift in the general attitude of people, and personal desires started playing a greater role in the opinions they chose to follow. The Prophet (peace and blessings be upon him) himself had forewarned of this when he said, "*Then falsehood (kadhib) will become widespread.*" It was at that time the scholars unanimously agreed that no longer will people be given the option of choosing opinions, rather they must follow one school only, whichever that maybe from the four. Imam Shah Waliullah states, "After the second century adherence to specific schools appeared amongst the Muslims… And this was the obligation at that time." (See *Al-Insaf fi Bayan Asbab al-Ikhtilaf*, p.70)

FOLLOWING ALL THE IMAMS AT ONCE?

However, one may come across some Islamic books stating that the position of the majority of scholars was that only *taqlīd* of any scholar is wajib (*Taqlīd ghayr Shakhṣī*), and that only a few scholars held *taqlīd* of a specific school to be wajib (*taqlīd Shakhṣī*). Thus based on this claim, a layman could follow all four Imams in an arbitrary manner; that is, he could chop and change between the schools at will.

This claim, although acknowledging the lofty credentials of the four Imams, is nevertheless mistaken. How could it be acceptable when it conflicts with the patent need of the Deen and Ummah that lie in making *Taqlīd Shakhṣī* Wajib (the layman following only one school), as well as the sheer number of scholars, cited below, who clearly state this?

The truth is that the other viewpoint, *Taqlīd ghayr shakhsī*, has only ever been supported by producing the statements of two or three authors who believed this, to back it up, which by no standards constitutes the majority.

To be sure the claim is an aberration. If one looks at the argument that underlies this view, one will find it to be clearly flawed. And the decision of the majority of the Ummah would not have converged upon error.

The argument is based upon the understanding of the verse, "*Ask the people of Remembrance if you do not know* [Sura Anbiya: 7]".

It is argued that this verse made no distinction between the scholars, and only obligated the layman with following the scholars in general. The author of *al-Fiqh al-Islami*, for example, has expressly stated this very argument in his words:

> "Allah only obligated following the scholars without specification of one and not another, He said: *Ask the people of Remembrance if you do not know* [Sura Anbiya: 7]" (*Al-Fiqh al-Islami* vol.1 p.94).

REPLY

The reality however is that in this verse, Allah made generic *taqlīd* obligatory or *taqlīd* in general (*Jins of Taqlīd* or *Mutlaq Taqlīd*). Now, *taqlīd* in this general sense has under it two, call them, constituents or sub-categories (*Anwa'* or *Afrad*):

Taqlīd ghayr Shakhṣī (non-specific *taqlīd* of any scholar) and
Taqlīd Shakhṣī (specific *taqlīd* of a particular scholar);

Thus it becomes apparent that *taqlīd* itself is an obligation (*wajib*), with all the kinds of *taqlīd* that come under it logically taking its ruling, as they are but different kinds of the same thing; though indeed there is a choice, in acting upon the Deen, which of the two kinds one practices.

This is just as if a mother ordered her son to buy "fruit," under this general term (*Mutlaq*) would come many kinds of fruits, for example apple, orange, pear etc. It would be true to say that the obligation applied to all these fruits, that there is a choice in which fruit he chooses is another issue. What matters is that he chooses any fruit, and whichever fruit the son chooses he'll have fulfilled his duty. But what cannot be said is that to buy apples on the one hand is obligatory, but as for oranges, that is just permissible (and to say unlawful is just absurd).

To take another example, this time from the Deen, if someone broke an oath, he would have to give the atonement (*Kaffārah*). The atonement for breaking an oath is *Fard* (Obligatory), however under this generic term (or *Mutlaq*) are three sub-categories (*afrad*): 1. Feeding the poor, 2. Clothing the poor, 3. Freeing a slave. Each one will take the ruling of the atonement, namely *Fard*, and what is *Mubah* or permissible is the choosing of any one of these three.

The upshot of this discussion is that the verse in Sura Anbiya actually made both kinds of *taqlīd wajib*, and by an individual doing either one of the two, he would have fulfilled the obligation upon

him. It was for this reason we find examples of both kinds of *taqlīd* being practised in the first generations as recorded above. As for why the scholars prohibited the option of *Taqlīd Ghayr Shakhṣī,* it was due to a change in the condition of the people, the juristic basis for which we will speak more on later.

THE MAJORITY OF ULAMA ON *TAQLĪD SHAKHṢĪ*

Taqlīd Shakhṣī was viewed as an obligation and this was the common view held by undisputed expert scholars throughout most of Islamic History. In the following section, the statements of some of these scholars are quoted. These quotations should give a person a better idea of how central and pivotal the four Schools and *taqlīd* were in Orthodox Sunni Islam. However, because the Salafi movement we know today has altered itself into many shades and degrees of non-*madh-habism*, it seems appropriate to point out such quotations have also been included that refute every kind of non-*madh-habism*.

TOTAL NON-*MADH-HABISTS*

This type of non-*madh-habist* goes to the absurd extreme of considering *taqlīd* of any kind to be unlawful, saying that it is in fact the duty of every Muslim to derive for himself all the detailed rulings from the Holy Qur'an and Sunna.

SEMI-NON-*MADH-HABISTS*

The view of these people is not as dangerous as the first kind of non-*madh-habism*, but it is problematic and impermissible nonetheless. They believe that it is permissible to follow any scholar, whether from within or outside the four accepted schools.

Thus we can say that we have three errant views presently amongst the Umma:

1. An individual can do *taqlīd* of any of the four Imams,

interchanging as he wishes. Some add some preconditions to this swapping of positions.

2. *Taqlīd* of any scholar is absolutely forbidden, rather each person must take his din directly from the Holy Qur'an and Sunna. The scholars at most can inform a person of the evidences.

3. An individual needs only do *taqlīd* of any true scholar even outside the four schools. What matters is to follow the evidence.

Although this section is designed to shed light on the reality of all these claims, that each one is unacceptable (thus the quotations cited are not just on the issue of *Taqlīd Shakhṣī*), nevertheless, our main aim in this section is to prove that *Taqlīd Shakhṣī* of one of the four schools was upheld as obligatory for the non-scholar by the majority of the Ahl al-Sunna scholars. The scholars we shall cite are such authorities in the sacred knowledge of the Din that it is not unreasonable to assume that this was also the view of their many eminent teachers, students and learned Muslims in general.

WHAT THE SCHOLARS SAY

Imām Shams al-Din Dhahabī (673-748 AH) writes in *Siyar A'lam al-Nubalā* under Ibn Hazm Zāhirī's comment:

"I follow the truth and perform *ijtihād*, and I do not adhere to any *madh-hab*", "I say: yes. Whoever has reached the level of *ijtihād* and a number of imāms have attested to this regarding him, it is not allowed for him to do *taqlīd*, just as it is not seeming at all for the beginner layman jurist who has committed the Qur'ān to memory or a great deal of it to perform *ijtihād*. How is he going to perform *ijtihād*? What will he say? On what will he base his opinions? How can he fly when his wings have not yet grown?" (Vol.18, Pg.191)

Imam Dhahabi was an undisputed expert in Hadith. Indeed he was Hafiz al-Hadith (prolific memoriser of hadith). He was the student of the Hadith Master Hafiz Jamal al-Din al-Mizzi and justifiably can be considered his successor. He was appointed by the scholars of Syria the head of several Hadith Schools, such as the Madrasah al-Nafisiyyah and the Dar al-Hadith al-Fadiliyyah. He has unparalleled works in Hadith and History that till today, scholars rely upon. From his major works are the 40 volume *Tarikh al-Islam*, the two volume *Tazkira al-Huffaz*, and the many volume *Siyar 'Ālam al-Nubala*. Altogether he has approximately 270 works on a variety of subjects related to the Islamic sciences. One can appreciate his lofty rank by the following saying of the famous Shafi Muhadith, commentator of Sahih al-Bukhari, Ibn Hajr al-'Asqalani: "I drank the water of zamzam for three things, one was to attain the rank of Hafiz Dhahabi (in memory)…"

The scholars of Ahl al-Sunna roundly certify him and confirm his lofty rank as an authority of Islam. Imam Suyuti (died 911 AH) says: "The Imam, the Hadith Master of the Age, the Seal of the Memorisers of Hadith, Islam's Historian, the unequalled of the century, the one who carried the responsibilities of this craft (of hadith)…" (*Dhuyul Tazkirat al-Huffaz*).

In *al-Durrar al-Kaminah*, Imam Ibn Hajr writes: "He was an expert in the science of Hadith. He compiled many beneficial compilations in it. He authored more books than any of his contemporaries."

This is the rank of Imam Dhahabi and like the other Imams we are about to cite, it is inconceivable that he would utter a thing that was false or try to mislead the Muslims. And we see that he is, in this statement, categorically rejecting the idea that a non-Scholar, unable to perform *ijtihād*, must look at the evidences and decide for himself what is the soundest position. How many Salafi youngsters do we hear today echoing these words of Ibn Hazm?

In Imam Dhahabi's time however this kind of leaving the four schools was restricted to the odd example found in the minority

sect known as the *Zahiriya* (literalists). Today, tragically, this dangerous minority trend has become widespread, with thousands of people who are not scholars by any stretch of the imagination firmly believing that their understanding of the Holy texts is equally valid and of the same level as one of the great four Imams. Often they actually believe it is superior, because they are truly followers of hadith, whereas the Imams failed to act upon them. It was this spiritual sickness and pride, the Messenger of Allah ﷺ warned would be the destruction of the Umma: "Verily command the good and forbid each other from evil until you see greed being followed, desires obeyed, the worldly life preferred over the next life, <u>and when each person becomes impressed by his own opinion</u>, then you must preserve yourself and leave the people." (*Sunan Abi Daud*)

Thus it is imperative that the Umma be reformed at this stage, when the four schools are still greatly respected, as a time may come when reform will not yield benefit.

- Imam Ibn al-Humam, author of many unique works in jurisprudence and doctrine records the view of the Hanafi scholars in *Fath al-Qadir* the commentary of *Al-Hidayah*:

"(As for the layman) it is obligatory for him to do *taqlīd* of a single Mujtahid… The jurists have stated that the one who moves from one *madh-hab* to another by his *ijtihād* and evidence is sinful deserving of being punished. Thus one who does so without *ijtihād* and evidence is even more deserving." (vol.6 p.360)

- Imam Nawawi writes in *Al-Majmu' Sharh Al-Muhadhdhab*:

"The second view is it is obligatory (*yalzimuhu*) for him to follow one particular school, and that was the definitive position according to Imam Abul-Hassan (the father of Imam

al-Haramayn Al-Juwayni). And this applies to everyone who has not reached the rank of *ijtihād* of the jurists and scholars of other disciplines. The reasoning for this ruling is that if it was permitted to follow any school one wished it would lead to hand-picking the dispensations of the schools, following one's desires. He would be choosing between Halal and Haram, and obligatory and permissible. Ultimately that would lead to relinquishing oneself from the burden of responsibility. This is not the same as during the first generations, for the schools that were sufficient in terms of their rulings for newer issues, were neither codified nor widespread. Thus on this basis it is obligatory for a person to strive in choosing a *madh-hab* which alone he follows." (Vol.1 p.93)

- Imam Sharani, an undisputed authority in the Shafi school writes in *Al-Mizan al-Kubra*:

"…You (O student) have no excuse left for not doing *taqlīd* of any *madh-hab* you wish from the schools of the four Imams, for they are all paths to Heaven…" (p.55 vol.1)

- Shaikh Salih al-Sunusi writes in *Fath al-'Alee al-Malik fil-Fatwa 'ala madh-hab al-Imam Malik*:

"As for the scholar who has not reached the level of *ijtihād* and the non-scholar, they must do *taqlīd* of the Mujtahid… And the most correct view is that it is obligatory (*wajib*) to adhere to a particular school from the four schools…" (p.40-41 – Section on *Usul al-Fiqh*)

- In *Tuhfa al-Muhtaj fi Sharh al-Minhaj*, Shaikh al-Islam Ahmad Ibn Hajr al-Haytami writes:

"The claim the layman has no *madh-hab* is rejected, rather it

is necessary (*yalzamuhu*) for him to do *taqlīd* of a recognised school. (As for the claim: scholars did not obligate following one school), that was before the codification of the schools and their establishment." (Vol.12 p.491-*Kitab al-Zakah*)

❁ The famous Imam al-Haramayn Abu al-Ma'āli Abd al-Malik bin Yusuf al-Juwayni (419-478 AH) writes in his book *Al-Burhan*:

"The expert scholars have agreed that it is not permitted for the masses to follow the schools of particular companions (*ajma'a al-Muhaqqiqun 'ala annal-'Awwam laysa lahum an yata'alaqu bi-Madhāhib A'ayan al-Sahabah*). Rather they are obligated (*'alayhim*) with following the schools of the (four) Imams who thoroughly investigated and researched, who compiled the chapters (of Fiqh) and mentioned the circumstances of the rulings." (Vol. 2, P. 1146).

What the Imam means here is that it is not permitted today for anyone to say I will act upon such and such thing because a certain companion is narrated to have done this. Rather the four schools should be the source for accessing the practice of the companions due to them being reliable direct heirs of their knowledge.

❁ In the famous twelve volume Maliki compendium of *fatāwā*, *Al-Mi'yar al-Mu'rib an fatāwā ahl al-Ifriqiyya wa al-Andalus wa al-Maghrib*, Imam Ahmad al-Wanshirisi records the Fatwa on *taqlīd*:

"It is not permitted (*lā yajoozu*) for the follower of a scholar to choose the most pleasing to him of the schools and one that agrees the most with him. It is his duty to do *taqlīd* of the Imam whose school he believes to be right in comparison to the other schools." (vol.11 p.163-164)

- The Hanbali scholar Imam 'Ala al-Din al-Mardawi in his major Juristic compendium *Al-Insaf*, cites the statement of the famous scholar Imam Al-Wazir ibn Hubaira (died 560 ah):

"Consensus has been established upon *taqlīd* of every one of the Four Schools and that the truth does not lie outside of them." Vol.11 p.169 (Dar al-Kutub al-'Ilmiyyah).

- The great authority in *Usul* Imam Āmidi writes in *Al-Ihkam fi Usul al-Ahkam*:

"The layman and anyone who is not capable of *ijtihād*, even if he has acquired mastery of some of the disciplines (*Ulum*) related to *ijtihād*, is obligated (*yalzimuh*) with following the positions of the Mujtahid Imams and taking his juristic opinions and this is the view of the experts from the scholars of the principles (*Al-Muhaqqiqin minnal-Usulyyin*). It was the Mutazila of Baghdad who prohibited that except if the soundness of his *ijtihād* becomes clear to him." (vol.4, p.278)

- Imam Badr al-Din al-Zarkashi states in *Al-Bahr al-Muhit*,

"There has been established a consensus amongst the Muslims that the truth is restricted to these (four) schools. This being the case it is not permitted to act upon an opinion from other than them. Nor is it permitted for *ijtihād* to occur except within them (i.e. employing their principles (that is the tools of interpretation)." (vol.6 p.209)

- Imam Zahid al-Kawthari, Hanafi jurist and senior juridical advisor to the last Shaikh al-Islam of the Ottoman Empire, wrote in an article against the growing modern trend of non-Madhabism, entitled *Al-Lā Madhabiyya Qantara al-Lā Deeniyya*

("non-*madh-habism* is a bridge to non-religion"):

"Those who call the masses to discard adherence to a *madh-hab* from the *madh-habs* of the followed Imams, whose lives we briefly mentioned in what has passed, are two groups: those who consider that all the derived opinions of the Mujtahid are right, such that it is permitted for the layman to follow any opinion of any Mujtahid, not restricting himself to the opinions of a single Mujtahid whom he selects to be followed. This thinking is of the Mutazila. The (second group) are the Sufis who consider the Mujtahids to be all right in the sense that they seek out the hardest opinions from their positions without confining themselves to following one Mujtahid." (Published in *Maqalāt al-Kawthari*, pp.224-225)

- In the commentary of the Shafi text *Jam' al-Jawami',* Imam Al-Jalāl Shams al-Din al-Mahalli writes:

"And the soundest position (*wal-Asahh*) is that it is obligatory (*yajibu*) for the non-scholar/layman and other than him of those (scholars) who have not reached the rank of *ijtihād*, adherence of one particular school from the *madh-habs* of the Mujtahid Imams (*iltizam madh-hab Muayyan min madāhib al-Mujtahideen*) that he believes to be preferable to another school or equal to it." (*Kitab al-ijtihād*, p.93)

- Imam Rashid Ahmad Gangohi, the Faqih of the 19th Century, writes in *fatāwā Rashidiyya*:

"When the corruption that comes from non-specific *taqlīd* is obvious, and no one will deny this provided he is fair, then when specific *taqlīd* is termed obligatory for other than itself (*Wajib li-ghayrihi*), and non-specific *taqlīd* is termed unlawful,

this will not be by mere opinion, rather it is by the command of the Messenger of Allah (peace and blessings be upon him), for he commanded that removing corruption is an obligation upon every individual." (p.205)

- Imam Abd al-Hayy al-Lakhnawi writes in his *Majmuat al-fatāwā*, after mentioning the various views of the scholars on *taqlīd*:

"On this subject the soundest view is that the lay-people will be prevented from such (choosing) of different opinions, especially the people of this time, for whom there is no cure but the following of a particular *madh-hab*. If these people were allowed to choose between their *madh-hab* and another, it would give rise to great tribulations." (vol.3 p195)

- Imam Rajab al-Hanbali writes in his book: "*Refutation of anyone who follows other than the four schools*":

"…that is the Mujtahid, assuming his existence, his duty (*Farduhu*) is to follow what becomes apparent to him of the Truth. As for the non-Mujtahid his duty is *taqlīd*." Elsewhere having indicated in the latter the rarity of the lofty status of *ijtihād*, he states: "As for all other people who have not reached this level (of *ijtihād*), it is not allowed (*lā yasau'hu*) for them but to do *taqlīd* of these Four Imams and to submit to that which the rest of the Ummah submitted to." (*Majmoo' al-Rasail Ibn Rajab*, vol.2 p. 626 and p.624 respectively).

- In the well known Maliki text *Maraqi al-Saud*, it is stated:

"(*Taqlīd*) is necessary (*yalzimu*) for other than the one who has achieved the rank of absolute ijtihad, even if he is a limited

(mujtahid) who is unable (to perform absolute *ijtihād*).” Point 957, p.39. He writes further on: “Every school from the schools of the (four) Mujtahids is a means that reaches one to Paradise.”

❁ In the famous commentary of the treatise of Imam Ibn Abi Zayd al-Qayrawani *Al-Risalah*, entitled “*Al-Fawākih al-Dawāni*,” Imam Ahmad al-Nafrawi (died 1126 ah) also confirms the Ijma of all the scholars that *Taqlīd Shakhṣī* is obligatory, that is a Muslim must follow only one of the four schools:

“The consensus of the Muslims has been established upon the obligation (*Wujub*) of following one of the four Imams today; Abu Ḥanīfa, Malik, Shafi and Ahmad- May Allah be pleased with them… What we explained before, in terms of the obligation of following one of the four Imams, is in relation to those who do not possess the capability of performing *ijtihād*.” (vol.2 p.574, *Bab Fi al-Ruyah wa al-Tathāub*, *Dar al-Kutub al-'Ilmiyyah,* 1st Edition, 1997).

To state something has the consensus of the Muslims (that is the scholars of Islam) as the Imam is doing here (and as others have done), is stating one of the definitive and strongest evidences of Islam. Many scholars have stated for a person to deny an Ijma would take him or her out of the fold of Islam.

It is a tragic day for Islam, that people today, despite seeing this consensus reported by several sources, have no qualms in opposing it. To so easily throw what the scholars have said behind one's back, cannot but be a sign of misguidance. It is enough of a warning for these revisionists, that Allah has threatened with doom those who leave that which the believers have embraced: “*Whoever breaks away with the Messenger after the right path has become clear to him, and follows what is not the way of the believers, We shall let him have what he chose, and We shall admit him to Jahannam, which is an evil place to return*.” (4:115)

Someone might say: *But such and such scholar today or in the past disagreed with this Ijma*? His opposing this Ijma is unacceptable, especially when it has been transmitted not by one but several trustworthy authorities. Secondly, this opponent of Ijma may be questioning whether indeed all the scholars at a time held this view. That is the most he can legitimately question. What he cannot deny is that a significantly large number of scholars must have held this view, for such trustworthy scholars to make this assessment of an Ijma' having been established.

The fact so many scholars have obligated adherence to one of the four schools so categorically proves that the anti-madh-habist movement is a sinister attempt at revising Islam as the Umma have known it. How else can the calls to leave the four schools be reconciled with what was established to have been the view of so many of the classical scholars?

Ironically, the opponents of *taqlīd* would like to argue that in fact there has never been a consensus of the Scholars upon doing *taqlīd* of one of the four Imams. On the contrary, they argue, the majority of scholars, if not all of them, are opposed to *taqlīd*. This is the sheer boldness of their revisionism, but such exaggeration is also to their detriment.

For if this was the true reality, then let these claimants bring forth their proofs from a similar galaxy of Sunni scholars from the past who stated that consensus was actually on non-*taqlīd*. We have not found any. Let them bring forth statements stating: "the scholars have agreed that the Layman must never do *taqlīd*," again, we have not found any such statements. Let them bring forth a classical book entitled: "*A refutation of those who follow the four schools*," or a name similar to it written by a undisputed scholar. Again, we have not found any such books as they simply do not exist. Rather as we have shown, the very opposite is true. Such is the strength of the false propaganda and spin being imparted by the Non-*madh-habists* to the unwary Muslims that they begin to believe that which

is the very opposite of the truth, as being the truth.

Let alone finding the mention of a consensus, such revisionists will find it difficult to find a handful of scholars who promoted non-*taqlīd*. And even with them, if one contextualises their statements, it will become apparent that, they also viewed it as unlawful for the layman not to do *taqlīd*. Take the example of one scholar whose views are particularly respected amongst this group: Imam Ibn Taymiyya. Imam Ibn Taymiyya has also stated clearly that a person who does not have the tools of *ijtihād*, that is, has not spent the many years learning Arabic, mastering Usul-al-Fiqh and Uloom al-Hadith, encompassing the Quranic and Hadithic texts, has no right to assert an opinion and that rather, he must do *taqlīd*.

In *Majmoo' al-fatāwā*, vol.11 p.91 (*Dar al-Kutub al-'Ilmiyyah*) he says: "The vast majority of the scholars do not obligate every soul to do *ijtihād*, on the basis that *taqlīd* is haram…*taqlīd* (rather) is allowed for those who are incapable of doing *ijtihād*."

In *Minhaj al-Sunnah*, vol.2 p.142, he states:

تقليد العاجز عن الإستدلال فيجوزه الجمهور

"As for the *taqlīd* of one not capable of *ijtihād*, the majority of the scholars state its permissibility." In another of his books, *Al-fatāwā al-Kubra,* he presents the view of Imam Ahmad on *taqlīd*, and obviously totally agrees with it. The passage clearly says that *taqlīd* is indeed forbidden, but that is in relation to proficient scholars, the likes of whom the text mentions by name. This same very text, if someone would be fair enough to read on, also states the separate ruling Imam Ahmad gave in relation to the layman. Ibn Taymiyyah narrates that Imam Ahmad would, "order the layman to get his opinions by asking the scholar," وَيَأْمُرُ الْعَامِّيَّ بِأَنْ يَسْتَفْتِيَ , see vol.5 p.98 of *Al-fatāwā Al-Kubra*.

Diehards will at this point distort the clear meaning, by arguing

what Imams Ibn Taymiyya and Ahmad mean is that the layman should ask the scholar for the evidences and then make a judgement as to whether it is valid or not, and then choose the correct position. This is the level our brothers have reached in promoting this baseless belief that they do not hesitate in mangling the words of the very people they seek inspiration from.

There is no way this could be taken as what they in actual fact meant. Anyone who knows Arabic knows the word used for what the layman was required to do was *Istifta*. This word is a technical term in Fiqh and means asking for a Fatwa and fatwa is merely an opinion, which according to the rules of *Ifta* (Fatwa-Issuance), does not require evidence citation. Secondly, if that was what the true great Imams meant, why did they not just say that, rather they made a point of creating a distinction between the two groups, the scholars and laymen. If what you say is true, they would have simply said the first part: that is Imam Ahmad would forbid all, his companions (who were scholars) and the layman, from doing *taqlīd*. There would be no room or need for adding the second clause: "as for the layman he would order him to get his opinions by asking the scholar."

So, as is plain to see, a deceptive campaign has been waged against *taqlīd*. It is noteworthy that as the stark reality of the legitimacy of *taqlīd* is slowly re-emerging, the revisionists, in fear of a backlash from their followers for being misled all this time, are modifying their claims, which has meant that their original outlandish attack against the four Schools is gradually disappearing.

A NEW BEGINNING?

Recently the elderly Saudi-based scholar Shaikh Salih al-Sadlān, a foremost student of Shaikh Ibn Baz, was asked[2] about the ruling

2 During a speech in December 2010, UK. See, starting at 1hr 24min of the Q&A session:

of following a *madh-hab*. He answered categorically that all four schools are permissible to follow. Furthermore, he added, if a person was a Shafi, or a follower of any of the other three schools, and the people of his city or locality were on that school, then it is "not permitted" (*Lā Yajooz*) for him as a layman to choose another opinion contrary to the opinion of that school, as that is following one's desires. The non-*madh-habists* paint *taqlīd* and the following of the four schools as something alien to Islam. Here Shaikh Al-Sadlān, a highly respected and greatly learned authority, on the contrary, states the same legal position we have (in this book), which is the position of the majority of the Muslims. This requires each of us to ask, is there any room left for non-*madh-habism* (Salafism/ "Jamāt Ahl-Al-Hadith") to deny that *taqlīd* of the four schools is a valid view, and moreover it is actually the orthodox position of Sunni Islam? Is it not time that this minority group that has taken a position against the majority of Muslims, reject this idea that breeds division, confusion and reflects, to the wider non-Muslim community, an image of the Muslim community as a disunited community at odds with themselves, thereby enabling the enemies of Islam to mock Islam as a false religion of sectarianism and hate? They argue: "How can Islam unite mankind when you are so split amongst yourselves?" How much strength will our Religion gain and how pleased would Allah ﷻ and His Messenger ﷺ be, if this unfortunate mistake was corrected and the community united?

- In one of the most authoritative juristic commentaries of the Qur'an, *Al-Jami' li-ahkam al-Qar'an*, by the scholar Imam Qurtubi, commenting on verse 7 in Sura Anbiya, he writes:

"The scholars did not disagree that it is obligatory for the non-scholars (*al-'Āmah*) to do *taqlīd* of their scholars and they are meant in the verse: *Ask the people of Remembrance if you do*

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http://www.youtube.com/watch?v=_ZtNJcn3XgI&feature=related)

not know. And the scholars by consensus (*Ajma'oo*) stated it is necessary (*lā budda*) for he who is unable to see to do *taqlīd* of someone else who will tell him the direction of the Qiblah, if it becomes difficult for him. Similarly, one who does not possess knowledge or insight of what the Deen teaches, then it is necessary (*lā budda*) for him to do *taqlīd* of that scholar who does." (p.181 vol.11).

❁ The internationally renowned scholar Mufti Taqi Uthmani writes in his commentary on the Book: *Al-Misbah fi Rasm al-Mufti wa Manāhij al-Ifta*:

"The sound view, and upon which are the majority of the scholars, is that it is obligatory (*Yajibu*) for all those who have not reached the rank of *ijtihād* to adhere to a particular school from the four well-known, codified and definitively transmitted schools. This is in order to regulate a person's actions and control his worldly dealings in a way that protects from confusion, errors and fulfils the compelling need." (vol.1, pp 251-252).

❁ Shaikh Salih bin al-Uthaymin writes in his book *Al-Usul min 'ilm al-Usul* in the chapter on *taqlīd*:

"*Taqlīd* takes place in two places; the first is that the person doing *taqlīd* be a layman, incapable of discerning the ruling by himself, so his duty (*Farduhu*) is to do *taqlīd* due to the statement of Allah ﷻ: "*Ask the people of Remembrance if you know not* (Sura al-Nahl:43)." (p.68)

Shaikh al-Uthaymin in his recorded lectures of this same text, adds that for the average Muslim to try to delve into the Holy Qur'an and Sunna in order to deduce rulings is like a person who

has not learnt swimming trying to swim at sea. It will only lead to his destruction.

The Shaikh also outlines in the preceding chapter what is required for a person to be capable of deducing rulings from the sacred texts, in other words the prerequisites of *ijtihād*. He records six conditions, the first of which is the condition of encompassing all the verses and ahadith on the subject. This would, at the very first hurdle, lose most of us who have not learnt, let alone mastered, the Arabic language. Translations can never convey the linguistic intricacies, rhetorical devices and semantic nuances of the original Arabic, and furthermore a vast number of the hadith collections have yet to be translated into English.

JURISTIC BASIS FOR *TAQLĪD SHAKHṢĪ* ALONE BEING OBLIGATORY

It is important to elaborate in detail on what led to the change in ruling from the permissibility of asking any of the scholars of the four schools to following one school from the four exclusively. As already stated, both kinds of *taqlīd* (non-specific of the four and specific) equally shared the status of obligation for the layman. The option was open to him to follow one school, as some did, and if he was not particularly discerning as the average lay person is, he simply asked any scholar he considered to be a reliable scholar regardless of his school.

This first kind of *taqlīd* (*ghayr shakhṣī*) however produced a danger which with the passing of time became more and more real. The early Muslims were sincere in following the Dīn and their only motivation in going to ask a scholar was to find out what his Dīn said about that particular issue of concern to them. They were not out to collect a portfolio of opinions and opt for what took their fancy. Later, desires and whims came to be included in peoples' motivation when asking. People would "shop" for opinions and searched for anyone who would legitimise their desires.

The reason why this was unacceptable and had to be prevented was the Qur'anic prohibition of a person allowing his desires to influence his Dīn. The Holy Qur'an says (45:23):

"Have you seen he who takes his desire as his god."

Based on this, all Muslim scholars consider it absolutely forbidden for a person to want to do something unlawful and then seek justification for it through texts or the opinions of the scholars. Similarly, seeking out easier or favourable views from amongst the scholars to escape from the more difficult views of other scholars, is another form of allowing desires to dictate one's Religion.

Restricting a Muslim to following the four schools went far in closing the door of following desires. However, there still remained room for arbitrary following based on ease that existed in opposing opinions between the four schools. For example, a Shafi-follower might look to the Hanafi school and see that ritual ablution (*wudhu*) does not become invalid through unintentionally touching the hand of a woman, and opt for it. It is clear, being a person who follows the Imams and unappreciative of the evidences, his choosing this view was due to ease, which is but following one's desires.

The great jurist of the Hanafi school, Imam Ibn Ābideen records the following eye-opening incident that shows us the gravity of this problem. There was a student of Imam Abu Ḥanīfah who once approached a hadith scholar, for the hand of his daughter in marriage. The man refused, and said he would only marry her to him if he started raising his hands (*raf' al-yadayn*) in Salah, reciting behind the Imam and pronouncing the *Ameen* loudly. The student agreed and consequently was wed to his wife. When the hanafi jurist Abu Bakr al-Jawzajani was informed of this he replied: "As for the nikah it is sound, but I fear that he (the student) may have left the Deen because he left what he believed to be the truth for his personal desire."

Imam Shatibi, amongst other jurists, has explained extensively the dangers in leaving Fiqh unregulated, saying ; ultimately, the very purpose of the Shariah - which is *Takleef,* (that is charging people with duties and responsibilities) would become defunct as lay people, through caprice and moral corruption, created their own desirable opinions.

THE STATE WE ARE IN

If the Din needed this kind of regulation, as recognised by the majority of sunni scholars throughout the centuries, it is in need of it now more than ever. We live in an age in which desires and whims are incredibly powerful hidden forces ruling over people. Leave aside the mention of the general Muslim masses, unlearned in the Islamic sciences, we find endless examples of those who have actually devoted much time to learn Arabic and the other Islamic sciences, bringing forth opinions unheard of and inimical to the pristine principles of Islam. We have so-called learned people today arguing that usury (*riba*) is permitted, women can lead men in Salah, that intermingling between young men and women is fine and even taught by the Shariah, and that music and musical instruments are lawful. But perhaps the most tragic manifestation of this kind of unprincipled "do it yourself" Islam, is the permission to kill innocent civilians which we witness today. All of this is, it is argued, sanctioned by the Holy Qur'an and Sunna. If the above is the result of allowing the so called learned of today to derive laws from the Holy Qur'an and Sunna, one can imagine what catastrophic results would be unleashed upon this already divided and decaying Ummah if every Muslim was to have the right to derive laws for himself.

Thus reason and necessity demand that there be a system by which the Muslims can be saved from making their Dīn a thing of play and ruining it. Consequently, scholars in their thousands, past and present, testified that the four schools are the best framework for this. This is for many reasons not least because all four Imams

are considered, by the consensus of the entire Umma, to have reached, in addition to their unparalleled expertise in the sciences, the highest level of *taqwa* (God-fearingness) and were far from becoming swayed by desires and worldly considerations.

If a person can appreciate the need for the first level of regulation – that is making basic *taqlīd* itself obligatory – then the root cause and problem that leads one to accept that, is found also in not obligating one *madh-hab* for the layman, as it gives him choice, and he is not of the pious generation concerning whom it could be guaranteed that they would not follow their desires.

MUSLIMS IN BRITAIN

We are ambassadors of Islam in this country and must present Islam in the most coherent and purest way possible, avoiding extremism and confusion. It would be a terrible travesty if we became a means of showing those around us that Islam is confusing, contradictory and divided. Would this be our contribution for Islam, for the profound gift of guidance that Allah so Mercifully bestowed upon us?

But the path of non-*madh-habism* (not adhering to these four great schools) leads to this inevitably. Not only is it transmitting to non-and-new Muslims a version of Islam that, as has been demonstrated through the preceding scholarly quotes, was practically unheard of, it is sowing the seeds of deep divisions and conflicts.

For centuries the Muslims were united together within four schools. The superficial declare this to be disunity, so they call to unity by going back to the original sources of the Qur'an and Sunna. Leaving aside the absurdity of this statement as it suggest the four Imams were somehow basing their opinions on some other mysterious sources, it grossly neglects the fact that differences in understanding, hence differences in opinions on detailed rulings, not only have always existed, but are not to be assumed as fundamentally wrong.

We know the Companions had many differences of opinions. In the famous incident of the difference they had about when to pray the Asr Prayer, on the journey to Bani Quraiza, the Messenger explicitly endorsed the action of each of the differing parties. The point is that these differences are to be tolerated, and the fact that the Ummah converged on following four schools, amazingly acted to reduce the outward difference in practice as there came to be, [in the community, at the most four possible ways in performing any certain act, keeping in mind that in a large number of legal rulings, all four Imams agree.

To abolish the four schools would open the flood gates to the community getting flooded with dozens of opinions emerging on one single issue. It was for this reason Imam Suyuti said: "The difference found in the four Schools in this nation is a huge blessing, and an enormous virtue. It has a subtle hidden wisdom the intelligent are able to grasp, but the ignorant are blind of. I have even heard some of them say: 'The Prophet ﷺ came with one law, so where did the four *madh-habs* come from?" (*Jazeel al-Mawahib*)

So for some person to come along today and make this call for revision is not only short-sighted, it is potentially something that can harm the Umma. If all laymen were allowed to look to the texts to derive laws themselves, then without the skills, nor in many cases a trace of the fear of Allah ﷻ, (that ensured understandable boundaries that limited scholars to how far they could differ), the possibilities for the numbers of opinions that would be born is unimaginable, as each person could and would concoct his own view on something, and earnestly claim that this is what the Qur'an and Sunna actually teaches. We must ask ourselves, is this the kind of unity we wish to hand down to the next generations?

In fact where this movement has become established, one has witnessed that they themselves have camps aligned with particular scholars and follow that scholar alone in his opinions, others are

more liberal and just pick from the assortment of modern scholars they are aware of, whilst others (seeing this chaos) create their own opinions, detached from everyone. This disunity in turn has led to ostracising, infighting, name-calling, splinter groups all in the same city.

HOW THE PERMISSIBLE BECOMES UNLAWFUL

The jurists appreciate well that rulings change with time and there are many examples in the Shariah where something at one time was permitted and is later made unlawful and vice versa in consideration of the higher principles of the Deen.

One such principle is *Saddan lil-Bab* or "Blocking the means." It's a principle that is founded in the Holy Qur'an and Hadith. In Sura al-Anʿām:108, Allah said*: "Do not revile those whom they invoke other than Allah, lest they should abuse Allah in transgression without having knowledge."*

Here Allah سبحانه وتعالى prohibited the believers from hurling abuse or reviling the gods of the disbelievers. This prohibition was not due to the gods having any sanctity or holiness. Rather it was due to the consequence that would indeed be unlawful, that is the abuse of Allah's pure name.

The jurists have always employed this principle to outlaw things which in themselves were permitted in consideration of new harms or evils that would result. For example, selling arms in an Islamic State is permissible. Expert jurists, however, declared selling arms unlawful at a time of civil war, as killing the life of a believer is from the gravest of sins whichever side he may be on.

Another example is, the action of Uthman رضي الله عنه in standardising the recitation of the Holy Qur'an. The Messenger of Allah, peace and blessings upon him, prayed to Allah سبحانه وتعالى for the Holy Qur'an to be revealed in seven independent recitals of the Arabs, so that it would be easy for them to recite. During the life of the Messenger ﷺ, the various Arabs would recite it according to one of these

variant recitals. Soon after the death of the Messenger (peace and blessings be upon him) Islam had spread across to Persia, Asia and Africa. With the spread of Islam also meant the new Muslims of these non-Arab lands would be learning and reciting the Book of Allah. It was at this time, during the Khilafah of the Khalif Uthman, that the existence of several variant recitals became a cause for confusion among these new coverts. What had initially been for the purpose of facilitation and ease was becoming, in this new context, a means of difficulty and confusion. Thus, Uthman ﵁ declared the documentation, recitation and instruction of six recitals of the Holy Qur'an as unlawful and this was done in the presence of companions who concurred with him. Hence what was once permitted was made unlawful.

Similarly, when the jurists saw the sheer number of opinions prevalent in the community coupled with the threat of following desires and irreligion, they declared *taqlīd* of only the four schools obligatory. Then as moral uprightness amongst the masses diminished and the tendency to follow one's desires in legal opinions increased, the ruling was given that *taqlīd* of only one school is permitted for the layman. This ruling was further consolidated by the agreement of the scholars we mentioned earlier on this.

Some may bring a criticism here that, other jurists do not accept the juristic principle of blocking the means. The truth however is that all jurists have acknowledged this principle, even if they have done so using other names for it. Imam Shatibi in his *Muwafaqat*, vol. 4 p.66 quotes Imam Qarafi as saying that there is Ijma (*Mujma' alayh*) of the scholars on its acceptance. Imam Abu Zahra, in his *Usul al-Fiqh*, p.253, has confirmed it to be the view of all four schools. The reason for its general acceptance is that it is in reality a law based on common sense of looking to the end result of an action. If something is evil or unlawful then it is nonsensical to think there is nothing wrong with the presence of those things that directly lead to that evil. In fact, we see this principle in action

in our daily lives, and in every aspect of life. If we prevent our children from going out alone, though they may not understand this, it is not because stepping outside is in itself harmful, rather it is due to the threat of being abducted etc. It is logical and obvious that things that lead to an unlawful consequence should also be forbidden.

THE PRINCIPLE OF ACQUIRING THE MEANS

Another juristic principle similar to the principle of "*blocking the means*", is the principle of "*Acquiring of the means*" by which an obligation can only be fulfilled. Books on the principles of Fiqh (*Usul al-Fiqh*) speak of this as *Muqadimat al-wajib wajib* or *mā lā yutimmu al-wajib illa bihi fa huwa wajib*. In this case, an act commanded by Allah cannot be fulfilled except by means of something else in which case that will also be deemed obligatory in order to carry out the original obligation, although it was not explicitly commanded by the Lawgiver.

An example of the latter principle (of *acquiring the means*) is the order in the Holy Qur'an to give Zakah. Now it is obvious a person will only be able to carry out this command properly, if he has the detailed knowledge of Zakah rules, what is Nisab, on what things must Zakah be given, what makes a person eligible to give Zakah and so on. Thus, though there is no text specifically making study of the rules of Zakah wajib, based on this juristic principle, it would be said that it is wajib for a Muslim to learn the fiqh of Zakah and even to attend a Zakah course teaching such a subject, being held at a particular Institute in his locality.

Thus the unlawful consequence of people following their desires, something clearly forbidden in the Holy Qur'an, establishes the unlawfulness of unrestricted *taqlīd* or *Taqlīd ghayr shakhṣī*. Similarly, the obligation to preserve the Shariah from distortion and corruption, establishes the obligation of adherence to *Taqlīd Shakhṣī*. Furthermore, one will note, whereas in the case of other

issues, their rulings are established by one of either of these two *usuli* principles, the necessity of *Taqlīd Shakshi* is established by both principles.

There are other issues related to this topic deserving discussion, but are beyond the scope of the booklet, such as the conditions under which a *madh-hab* is left and answering the evidences usually quoted against *taqlīd*. For these and other topics, works that can be consulted are: *Jawahir al-Fiqh* by Mufti Muhammad Shafi, vol.1; *Qawaid fi Ulum al-Fiqh* by Shaikh Habib Ahmad al-Kairawani (published as an introduction to Imam Zafar Ahmad Uthmani's *Iila al-Sunnan*); *Al-Kalam al-Mufid fi Ithbat al-Taqlīd* by Maulana Muhammad Sarfraz Khan Safdar; The legal Status of following a *madh-hab* by Mufti Taqi Uthmani; *Al-Lā Madhabiyya Akhtar Bida'h tuhaddid al-Shariat al-Islamiyya* by Shaikh Ramadan al-Buti. In English, Muhammad Abu Zahra's "The Four Imams" is a very beneficial introduction to the legacies of these Imams.

APPENDIX

A NUMBER of common objections are raised against the Hanafī *madh-hab* in particular, thus it was considered appropriate to briefly discuss these objections and provide answers to them.

OBJECTION

Imam Abu Ḥanīfa, and other Imams, are recorded as saying: "If there is a sound hadith that goes against my opinion, then throw my opinion against the wall," and other statements that forbid *taqlīd*, such as: "Do not follow me." In light of this, how can *taqlīd* of an Imam be made obligatory, when the Imams themselves seem opposed to it?

ANSWER

As the reader would have understood from the preceding discussion, it is not within the capability of a non-scholar to determine whether in actual fact Imam Abu Ḥanīfa's view contradicts a sound hadith or whether he has left acting upon a sound hadith. For what may on the face of it seem as Imam Abu Ḥanīfa's having neglected a hadith, as some often presume, could be due to a number of valid reasons. It could be because according to him that hadith is weak, or that the hadith is found to be abrogated by a later ruling in a verse or hadith, or he may even have acted upon it, but in a restricted way (in consideration of other texts).

Obviously, Imam Abu Ḥanīfa's arriving at this conclusion will have been after an in depth and comprehensive study of all the texts, absorbing what they collectively tell him. An example of this

is the hadith of *Raf' al-Yadayn* (raising of the hands in prayer) in Bukhari and Muslim. People often say here that Imam Abu Ḥanīfa left the hadith, and normally it is argued that these hadith did not reach him. The truth is that he knew of these hadith intimately and debated Imam Awzai in Makka concerning them as is recorded in the *Musnad* of Imam Abu Ḥanīfa with its commentary by Mulla Ali al-Qari, pp.35-38.[3]

So it must be said that these words of the Imam, and other such statements, were directed not at the layman, but at fellow scholars or his eminent students- each one of whom was a master scholar in his own right- and who could appreciate the sophistication of the issues involved. Certainly, it is true for a genuine scholar, *taqlīd* of others was not allowed. But as for the layman, all the Imams obligated them to do *taqlīd* of the scholars.

3 Imam Abu Ḥanīfa however, was also aware that there were many other sound hadith that explicitly stated that the raising was only done at the start of Salah by the Messenger of Allah ﷺ, and that also was the practice of many companions- after the death of the Messenger ﷺ. For example, he narrates the sound hadith from Hammad, from Ibrahim, from 'Alqamah, from Ibn Mas'ud رضي الله عنه that: "The Messenger of Allah ﷺ would not raise his hands except at the beginning of Salah and not do so again." Furthermore, the student of Ibn Umar (the key narrator of the hadith on *Raf' al-Yadayn*), Mujahid, narrates with a sound (*Sahih*) chain that the practice of his teacher (ibn Umar) was to only raise his hands at the beginning of the Salah. Imam al-Bayhaqi has narrated this narration in *al-Ma'rifa* and Imam Abu Ja'far al-Tahavi in *Sharh Ma'ani al-Āthār*, see *I'ila al-Sunnan*, vol.3 p.64. Appreciation of all these considerations led Imam Abu Ḥanīfa to seek a middle position, namely, that the practice was once part of Salah, but –like many other components of Taharah and Salah- was later abrogated as the mode of Salah became finalised. In this way he did not end up ignoring some hadith, but rather reconciled them all. It is also noteworthy that those scholars who knew Imam Abu Ḥanīfa's opinions well never accused him of wantonly leaving sound hadith; scholars like the Imams Abdullah ibn al-Mubarak, Yahya bin Sa'eed al-Qattan, Yahya ibn Ma'een, Al-Dhahabi, amongst others (yet if anyone was qualified to flag up disregard of Hadith it was them).

The same explanation, applies to Imam Ahmad's saying "Do not follow me…" (as narrated in Imam Ibn Taymiyya's *Al-Fatāwā al-Kubra*). Here clearly the Imam seems to be prohibiting all people from doing his *taqlīd*. Just as Imam Abu Ḥanīfa's statement was taken out of context, so too was the case of this statement of Imam Ahmad. We have explained this saying and how it was clearly distorted in the section "What The Scholars Say". There, we explained that in *Al-Fatāwā al-Kubra*, Imam Ahmad also, straight after this statement, is narrated as ordering the layman differently. Namely, to the scholars he would say "Don't follow me," and to the laymen he would command them to ask the scholars and do their *taqlīd* and he would mention the names of the scholars people should follow:

وَيَأْمُرُ الْعَامِّيَّ بِأَنْ يَسْتَفْتِيَ إِسْحَاقَ وَأَبَا عُبَيْدٍ وَأَبَا ثَوْرٍ وَأَبَا مُصْعَبٍ، وَيَنْهَى الْعُلَمَاءَ مِنْ أَصْحَابِه، كَأَبِي دَاوُد ، وَعُثْمَانَ بْنِ سَعِيدٍ ، وَإِبْرَاهِيم الْحَرْبِيِّ، وَأَبِي بَكْرٍ الأَثْرَمِ، وَأَبِي زُرْعَةَ، وَأَبِي حَاتِمٍ السِّجِسْتَانِيِّ، وَمُسْلِم.

(vol.5 p.98 of *Al-Fatāwā Al-Kubrā*)

OBJECTION

Surely we (*the Salafis and Jama'at ahl al-Hadith*) are on the truth because in our methodology we always give precedence to the hadith, whereas Hanafis are presented with hadith, but leave them. Surely the former way is the correct way in following the Din?

ANSWER

Again, this is another crude oversimplification of the issue. The simple answer to this is that there is no standard criteria to determine which hadiths take precedence over others, rather each of the erudite imams formulated his own set of principles whereby he would reconcile between conflicting hadiths. Thus, a hadith which is cited as evidence by one imam may not be accepted by

another imam, due to the presence of other evidences which outweigh it according to the latter's principles. Based upon this, the very same objection can be reversed against those who raised this objection in the first place. i.e. you do not accept the hadiths we base our madhhab upon. Furthermore, it is much safer to accept the rigorously systemised principles of an expert mujtahid imam with extensive knowledge of the Qur'an and Sunna as opposed to the opinions of a person whose knowledge of the Din does not extend beyond the scope of a summarised version of Sahih al-Bukhari and at that, a translation of it.

Shaykh Ashraf Ali Thanvi has eloquently made this very point in the book *Ashraf al-Jawab*, p.211:

> "Where a difference is found on some ruling, it is because there are (several) opposing hadith. The hadith you mention to us, yes we do not act upon it, but then we act upon another hadith, that we accept, but you do not act upon it. Why do you accuse us then? You also can be accused of doing the same! You will argue that: "But our hadith is more preferable, and yours is rejected (*marjuh*)." Our response is that the method of deciding what is preferable is suspended upon perception and comprehension (*dhawq*). According to your perception a particular hadith becomes preferable and according to the perception of Imam Abu Ḥanīfa another hadith is more preferable to be acted upon. And according to us the perception of Imam Abu Ḥanīfa, in comparison to your perception, is safer and better (as his depth of knowledge of the Book of Allah ﷻ and Hadith of the Messenger ﷺ, his expertise in grasping their subtleties, his trustworthiness, his penetrating insight, honesty, fear of Allah were testified to by thousands of Imams and scholars of the Umma). In the light of this, to declare yourselves as those who act upon hadith and those who follow the four Imams as not acting upon hadith is pure bias."

OBJECTION

A common objection which is nothing short of gross ignorance is that Imām Abū Hanīfa was not a muhaddith (hadith expert), and hence many hadīths did not reach him. Therefore, it is unwise to follow an imām whose knowledge of the Sunna of Allāh's Messenger was deficient.

ANSWER

It is incorrect to claim that Imam Abu Ḥanīfa was not a Muhaddith or that he lacked hadith. It is established through many sources that Imam Abu Ḥanīfa spent many years travelling the Muslim world to acquire hadith until he became a Hadith master (*Hafiz al-Hadith*). He remained a student in the circle of the Muhaddith 'Ata ibn Abi Rabbah in Makka for several years, with 'Ata recognising him from amongst his distinguished students. Similarly, he obtained narrations from the Muhaddithin of Syria (*Shām*), such as Makhūl. The narrations of Medina would have also reached him through many means. Kufa, the Imam's home town, itself was a hub of learning and hadith circles. Major Companions, such as Ibn Mas'ud and 'Ali ﷺ, had migrated to Kufa and transmitted their wealth of narrations to their students who held their circles throughout the city. 'Allamah Zahid al-Kawthari, in his *Fiqh ahl al-'Iraq* – printed as an introduction to 'Alamah Al-Zayla'i's *Nasb al-Rayah*, vol.1, pp.16-18- has recorded a number of their students who taught hadith in Kufa making the city a focal point for hadith students from around the Muslim world. These narrators include: Ubayda al-Sulaymani (died 72 AH), 'Amar bin Maymun (died 74 AH), Zar bin Hubaysh (died 82 AH), Abu 'Abd al-Rahman al-Salami (died 74 AH), Sawayd bi Ghafl(died 82 AH), 'Alqamah bin Qays (died 82 AH), Masruq (died died 63 AH) etc. Thus whatever hadith existed in Makka, Medina, Syria and 'Iraq were undoubtedly in the awareness of the Imam. Consequently, the Imam's biography, in the encyclopaedia on hadith narrators,

Tahzib al-Kamal, testifies to his abundance of narrations, his many teachers and students.

One can gain the lofty rank of Imam Abu Ḥanīfa has in hadith by his elevated chain. He narrates many hadith with chains that are termed *Thunaiyāt* (Two-narrator narrations) and *Thulathiyāt* (Three-narrator narrations). This means that between the Imam and the Messenger of Allah ﷺ there only exists three narrators and often only two. In a recent study published under the title: *Al-Imam al-A'azam Abu Ḥanīfa Wa al-Thunaiyāt Fi Masānidihi*, by Shaikh Abd al-Aziz al-Sa'di, it is stated just the two-narrator narrations (*Thunaiyāt*) of the Imam are approximately 219 narrations. This makes his narrations, according to the standards of the classical hadith specialists (*Muhadithin*), stronger and more esteemed and valuable[4] than the narrations found in the Sahihs of Al-Bukhari and Muslim, as there, one will find, that the number of narrators between the *muhaddith* and the Messenger ﷺ are in most cases not less than four (in fact, the *thulathiyāt* of Imam Bukhari only number 21 narrations). This proves beyond doubt that Imam Abu Ḥanīfa was not only a reputable *Muhaddith*, moreover he was from the major authorities and *Huffaz* of Hadith.

4 The great *Muhaddith* Imam Ibn Salah narrates that his Shaikh Muhammad Aslam al-Tusi would say: "The closeness in the chain is a closeness to Allah - '*azza wa jalla*". Commenting Imam Ibn Salah says: "It is as he said, for closeness of the chain is closeness to the Messenger of Allah ﷺ and (obviously being) closer to him is being closer to Allah –*azza wa jalla*, (Op.cit. p4). One of the reasons Imam Malik is considered a major hadith specialist and an unrivalled authority is because of his special "*Silsilat al-Dhahab*" (Golden Chain), that has only two narrators between him and the Messenger ﷺ. Namely: Imam Malik from Nafi' from Ibn Umar from the Messenger ﷺ. Clearly, as we have seen, this lofty virtue is also found with Imam Abu Ḥanīfa.

TESTIMONIES REGARDING IMAM ABU HANIFA'S GREATNESS IN KNOWLEDGE

Finally, to dispel the notion that Imām Abū Hanīfa ﵀ was weak in knowledge of ḥadīths, listed hereunder are authentic quotations of reliable, undisputed authorities in the ḥadīth sciences, attesting to the expertise in ḥadīth which Imām Abū Ḥanīfa ﵀ had been gifted with:

Imam Yahya Ibn Sa'eed

Imam Yahya Ibn Sa'eed al-Qattan (Died 198 AH) stated: "We have never heard a better understanding of the Quran and Sunna than that of Abu Ḥanīfa, and we follow him in most of his opinions." (Ibn Kathir, *Al-Bidayah wal-Nihayah*, p.418 vol.13)

To fully appreciate this endorsement of Imam Abu Ḥanīfa as a reliable muhaddith, one must appreciate the qualification of the person who said it. Imam Yahya Ibn Sa'eed was a successor of the successors (*tab' taba'i*), and one of the earliest hadith scholars and authorities in the chains of narration. His word is counted as definitive in narrator verification. The most famous Hadith scholars are indebted to Imam Yahya for their knowledge in the Hadith Sciences. Hadith masters such Imam 'Ali al-Madini (Died: 234 ah), Imam Ahmad bin Hanbal (Died 241 ah) and Yahya bin Ma'een (Died 233 ah) spent years sitting at the feet of this genius, absorbing his immense learning and wisdom. Imam Bukhari, as great as he is, was the student of Imam Yahya's student – Ali al-Madini. The point is that had Imam Abu Ḥanīfa been a weak narrator or deficient in hadith, it is not conceivable that he would have been given such an unequivocal endorsement by such a high ranking hadith specialist.

Imam Dhahabi

It is also a fact that none of the other major hadith experts such as Imam Dhahabi and Hafiz Al-Mizzi, considered Imam Abu Ḥanīfa as a weak narrator. Imam Dhahabi vouches for his rank in

the Din by describing him as: "the Imam, the *Faqih* of the nation, the scholar of 'Iraq: Abu Ḥanīfa…," (*Siyar a'alam al-Nubala*, vol.6 p.390). A person who is weak in hadith is not given such titles except to establish his solid rank.

Imam Yahya Ibn Ma'een

Hafiz al-Mizzi cites the following attestation of Imam Yahya bin Maeen: "Abu Ḥanīfa was a trustworthy narrator. He would only transmit hadith that he had memorised. He would never narrate those hadith he had not memorised," (*Tahzib al-Kamal*, vol.29, p.424).

Imam Makki Ibn Ibrahim

Imam Makkī Ibn Ibrāhīm ﵀, one of the greatest teachers of Imām Bukhārī ﵀, says, "He was the most knowledgable person of his era." (*Tahdhīb al-Tahdhīb*, vol 10, pg.451)

Imam Abdullah Ibn al-Mubarak

Vouching for Imam Abu Ḥanīfa's deep perception of the Din (the Holy Qur'an Sunna), Imam Abdullah ibn al-Mubarak said: "I have not seen a person like him when it comes to comprehending the Din," (Ibid, vol.29 p.430).

Imam Al-Hakim al-Nisapuri

The early hadith master Imam Al-Hakim al-Nisapuri, author of *Al-Mustadrak* and one of the earliest books in the sciences of Hadith: "*Kitab Ma'rifat Ulum al-Hadith*," also confirms the Imam's lofty rank in hadith. In the latter work he writes: "The 49th Category pertaining to the Knowledge of the Sciences of Hadith, namely, Knowledge of the reliable, trustworthy Imams of Hadith from the successors and their followers- those whose narrations are to be acquired for memorisation, transmitting and seeking the blessings of the narrations and their recital from east to west…" He then

goes on to mention who these masters of hadith are, city by city – in Madina, Makka, Egypt, Syria, Yemen, Yamāmah etc. When he mentions Kufa, he records the names of many Hadith experts; amongst this prestigious list, he records the name of Imam Abu Ḥanīfa (p.245, Dar al-Kutub al-Ilmiyya Edition).

Imam 'Ali al-Madini

Alī ibn al-Madīnī ؒ says, "Abū Ḥanīfa: Thawrī and Ibn al-Mubārak narrated from him. He is reliable, there is no problem with him (*lā ba'sa bihi*)." (*Al-Jawāhir al-Mud&ī'a*, vol.1 pg.29)

Imam Abu Daud

Imām Abū Dāwūd ؒ says, "May Allāh have mercy on Mālik. He was an imām. May Allāh have mercy on Shāfi'ī. He was an imām. May Allāh have mercy on Abū Ḥanīfa. He was an imām." (*Jami' Bayān al-'ilm wa faḍlihī*, pg.21)

It is important to note that the title imām is among the greatest words used by the muḥaddiths to declare someone reliable. Thus, Imām Abū Dāwūd's ؒ referring to Imām Abū Ḥanīfa ؒ as an imam is in essence declaring his expertise in all fields.

Imam Shams al-Din al-Maqdisi

The Muhaddith Imam Shams al-Din al-Maqdasi al-Hanbali, in his book: "*Al-Mukhtasar Fi Tabaqāt Ulema al-Hadith*," compiles the major memorisers of Hadith. He writes in his introduction: "This book is an abridgement consisting of the (biographies) of all the major memorisers of Hadith (*Huffaz*) from the companions of the Prophet ﷺ, the successors and those who followed them. They are those, any one whose preoccupation is the study of hadith, cannot be unaware of." From the *Huffaz* he mentions is Imam Abu Ḥanīfa, vol.2 p.97. A manuscript of this rare unprinted manuscript is available in the library of Medina University (*Makānat al-Imam Abi Ḥanīfa Fi al-Hadith*, Maulana Abd al-Rashid al-Numani, pp.58-60).

Perhaps the most pertinent fact in this regard is that Imām Abū Ḥanīfa's ﷺ has been quoted as an authority in declaring narrators reliable or weak. Imām Tirmidhī ﷺ in his *Kitāb al-'Ilal* quotes Imām Abū Ḥanīfa ﷺ as having said, "I have not seen a greater liar than Jābir al-Ju'fī nor anyone greater than 'Aṭā ibn Abī Rabāḥ."

Imām Abū Ḥanīfa also declared Mujālid and Zayd ibn 'Ayyāsh as weak, and authenticated Sufyān Thawrī. It defies all sense that Imām Abū Ḥanīfa's ﷺ opinions be quoted by expert imāms of ḥadīth if he himself was weak and not a major authority.

In view of these facts, any odd statements that seek to establish the weakness of Imam Abu Ḥanīfa can only be seen as fabricated and not truly the words of the scholars they have been ascribed to. Often, if the chains of such statements are analysed, as done by the authors of *Taneeb al-Khateeb* and *Makanat al-Imam Abi Ḥanīfa bayna al-Muhaddithin*, they can be shown to be weak, containing such narrators who were known for their enmity for the great Imam.